



CL
RED

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Guy A. Bryant, #146190; Meredith E. Brown, #142134 Bryant & Brown 476 Third Street Oakland, CA 94607 TELEPHONE NO.: 510-836-7563 FAX NO.: 510-836-7564 ATTORNEY FOR (Name): Oakland Port Services Corp., d/b/a AB Trucking		FOR COURT USE ONLY FILED ALAMEDA COUNTY MAY 14 2013 CLERK OF THE SUPERIOR COURT By <u>Calypso Singshen</u> Deputy	
NAME OF COURT: Alameda County Superior Court STREET ADDRESS: 1221 Oak Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME:		CASE NUMBER: RG08379099	
CASE NAME: Lavon Godfrey, et al. v. AB Trucking, et al.		HEARING DATE: 6/7/13; R-1395638 DEPT.: 20 TIME: 10:00 am BEFORE HON.: Robert B. Freedman DATE ACTION FILED: March 28, 2008 TRIAL DATE: February 14, 2012	
NOTICE OF MOTION AND MOTION TO BE RELIEVED AS COUNSEL—CIVIL			

TO (name and address of client): Oakland Port Services Corp., d/b/a AB Trucking, C.O. Bill Aboudi, 11 Burma Road, Oakland, CA 94607

1. PLEASE TAKE NOTICE that (name of withdrawing attorney): Guy A. Bryant moves under California Code of Civil Procedure section 284(2) and California Rules of Court, rule 3.1362, for an order permitting the attorney to be relieved as attorney of record in this action or proceeding.

2. A hearing on this motion to be relieved as counsel will be held as follows:

a.	Date: June 7, 2013	Time: 10:00 am.	Dept.: 20	Room:
----	--------------------	-----------------	-----------	-------

b. The address of the court: same as noted above other (specify):

3. This motion is supported by the accompanying declaration, the papers and records filed in this action or proceeding, and the following additional documents or evidence (specify):

Declaration of Guy A. Bryant

(This motion does not need to be accompanied by a memorandum of points and authorities. Cal. Rules of Court, rule 3.1362.)

4. The client presently represented by the attorney is

- | | |
|--|--|
| a. <input type="checkbox"/> an individual. | g. <input type="checkbox"/> a trustee. |
| b. <input checked="" type="checkbox"/> a corporation. | h. <input type="checkbox"/> a personal representative. |
| c. <input type="checkbox"/> a partnership. | i. <input type="checkbox"/> a probate fiduciary. |
| d. <input type="checkbox"/> an unincorporated association. | j. <input type="checkbox"/> a guardian ad litem. |
| e. <input type="checkbox"/> a guardian. | k. <input type="checkbox"/> other (specify): |
| f. <input type="checkbox"/> a conservator. | |

(Continued on reverse)

CASE NAME: Lavon Godfrey, et al. v. AB Trucking, et al.	CASE NUMBER: RG08379099
--	----------------------------

NOTICE TO CLIENT

If this motion to be relieved as counsel is granted, your present attorney will no longer be representing you. You may not in most cases represent yourself if you are one of the parties on the following list:

- A guardian
- A conservator
- A trustee
- A personal representative
- A probate fiduciary
- A corporation
- A guardian ad litem
- An unincorporated association

If you are one of these parties, **YOU SHOULD IMMEDIATELY SEEK LEGAL ADVICE REGARDING LEGAL REPRESENTATION.** Failure to retain an attorney may lead to an order striking the pleadings or to the entry of a default judgment.

5. If this motion is granted and a client is representing himself or herself, the client will be solely responsible for the case.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

If this motion to be relieved as counsel is granted, you will not have an attorney representing you. You may wish to seek legal assistance. If you do not have a new attorney to represent you in this action or proceeding, and you are legally permitted to do so, you will be representing yourself. It will be your responsibility to comply with all court rules and applicable laws. If you fail to do so, or fail to appear at hearings, action may be taken against you. You may lose your case.

6. If this motion is granted, the client must keep the court informed of the client's current address.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

If this motion to be relieved as counsel is granted, the court needs to know how to contact you. If you do not keep the court and other parties informed of your current address and telephone number, they will not be able to send you notices of actions that may affect you, including actions that may adversely affect your interests or result in your losing the case.

Date: May 13, 2013

Guy A. Bryant

(TYPE OR PRINT NAME)


SIGNATURE OF ATTORNEY

Attorney for (name): AB Trucking

1 Meredith E. Brown - 142134
Guy A. Bryant -146190
2 The Law Office of Bryant & Brown
476 Third Street
3 Oakland, CA 94607
(510) 836-7563 (Telephone)
4 (510) 836-7564 (Facsimile)
5 Attorney for Defendant
6 OAKLAND PORT SERVICES CORP. d/b/a
AB TRUCKING, a California Corporation,

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF ALAMEDA

10
11 LAVON GODFREY and GARY GILBERT,) Case No.: RG 08-379099
on behalf of themselves and all other similarly)
12 situated,) **DECLARATION OF GUY A. BRYANT IN**
) **SUPPORT OF MOTION TO BE**
13 Plaintiffs,) **RELIEVED AS COUNSEL; CCP § 284.**
)
14 vs.) Action Filed: March 28, 2008
) Hearing Date: June 7, 2013
) Dept.: 20
15 OAKLAND PORT SERVICES CORP. d/b/a) Time: 10:00 a.m.
) Trial Date: February 14, 2012
16 AB TRUCKING, and DOES 1-20) Before Honorable Judge Robert B. Freedman
)
17 Defendant.) Reservation Number: R-1395638
)
18)
19)
20)

1 I, Guy A. Bryant, declare that I am an attorney licensed to practice before all courts of the
2 State of California, and am the attorney of record for Defendant OAKLAND PORT SERVICES
3 CORP. d/b/a AB TRUCKING, a California Corporation, (collectively hereinafter referred to as
4 "AB Trucking" or "Defendant") in the above-entitled action. If called to testify I could
5 competently attest to the following from my personal knowledge:

6 1. On November 23, 2011, Bryant & Brown substituted into this case after prior legal
7 counsel, Jay Aboudi, suffered a medical condition requiring his immediate exit from representing
8 AB Trucking. Bryant & Brown had to prepare for a class action trial to begin on February 14,
9 2012, where AB Trucking was accused of violating state overtime laws, meal & rest break laws,
10 and local Oakland Living Wage ordinances.

11 2. The Court conducted a 10 day bench trial between February 14, 2012 and March 12,
12 2012. Plaintiffs ultimately dismissed their overtime claims and the Court dismissed all claims
13 regarding the Oakland Living Wage violations. Despite the vigorous efforts of Bryant & Brown
14 to defend the interests of AB Trucking in this pending litigation, AB Trucking fell substantially
15 behind in its agreed payments to Bryant & Brown for legal services provided beginning in the
16 fall of 2012.

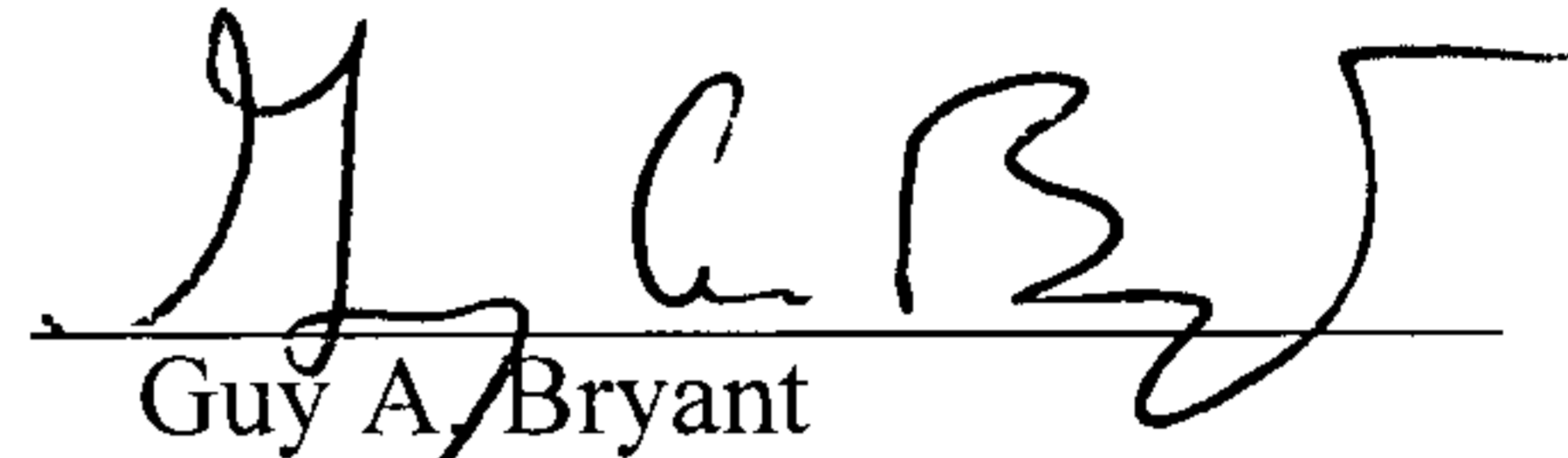
17 3. Attached to this declaration is a true and correct copy of the March 7, 2013, letter to Mr.
18 William Aboudi notifying him of Bryant & Brown's termination of legal services to AB
19 Trucking for failure to pay legal fees.

20 4. Attached to this declaration is a true and correct copy of the May 1, 2013, letter to Mr.
21 William Aboudi alerting him of the consequences to a corporation for not having legal
22 representation if Bryant & Brown were to withdraw from representing AB Trucking for non-
23 payment of legal fees.
24
25

1 I declare under the penalty of perjury that the foregoing is true and correct. Executed in
2 Oakland, California.

3
4 Dated this 14th day of May, 2013.

5 Respectfully Submitted,

6 

7 Guy A. Bryant
8 Bryant & Brown
9 Attorney for Defendant
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BRYANT | BROWN

ATTORNEYS

Guy A. Bryant
Meredith E. Brown

476 Third Street
Oakland, Ca 94607
TEL: 510.836.7563
FAX: 510.836.7564
www.bryantbrownlaw.com

March 7, 2013

VIA E-MAIL & U.S. MAIL

Mr. William Aboudi
Oakland Maritime Support Services
11 Burma Road
Oakland, California 94607

RE: Northern California River Watch v. Oakland Maritime Support Services
Lavon Godfrey v. Oakland Port Services dba AB Trucking
Billing/Notice of Termination

Dear Bill:

I am writing regarding the outstanding balance on your invoices for legal services for Oakland Maritime Support Services ("OMSS") and Oakland Port Services dba AB Trucking ("AB") which are in arrears in the amount of approximately \$[REDACTED] for OMSS and \$[REDACTED] for AB, respectively, for a period of more than sixty (60) days. Please bring your account current no later than March 15, 2013 to avoid withdrawal of legal services from this law office. Bryant & Brown is unable to continue to represent you and maintain the level of service that our clients expect without payment as set forth in the Agreement for Legal Services between this office and you.

Enclosed please find a copy of the December 28, 2012 invoice for legal services provided to OMSS reflecting the outstanding balance of \$[REDACTED] which remains past due in the amount of \$[REDACTED] as of this date. This office received a payment of \$[REDACTED] today which reduces the past due balance to \$[REDACTED]. Also enclosed is the invoice for legal services dated November 28, 2012 provided to AB reflecting the outstanding balance of \$[REDACTED] which remains past due in the amount of \$[REDACTED] at this time. As we have noted in prior correspondence, this office cannot continue to represent you, or carry any your past due balance, unless you make a substantial payment against your overdue balance.

March 7, 2013

Please note that the April 19, 2013 Expert Witness Report due date, the May 17, 2013 Expert Witness Report Rebuttal date, the May 9, 2013 Case Management Conference court date, and the June 21, 2013 due date for completion of expert discovery are approaching and much legal preparation is required in advance of these court dates. Additionally, this office has tried to have a meet with you present to discuss the OMSS litigation and you have not cooperated with us as legal counsel regarding your representation.

Pursuant to our contract for legal services, this office is providing written notice that we will have to cancel our representation and move the court to be relieved as legal counsel on this case within 30 days of the date of this letter unless payments are made in accordance with the Legal Services Agreement between you and this office.

Please contact me or Guy Bryant to confirm that past due payments will be made by March 15, 2013.

Sincerely,



Meredith E. Brown
Bryant & Brown Law Office

Encl.
CC: Guy A. Bryant

BRYANT | BROWN

ATTORNEYS

Guy A. Bryant
Meredith E. Brown

476 Third Street
Oakland, Ca 94607
TEL: 510.836.7563
FAX: 510.836.7564
www.bryantbrownlaw.com

May 1, 2013

VIA FACSIMILE & U.S. MAIL

(510) 544-6858

Mr. William Aboudi

Oakland Maritime Support Services

11 Burma Road

Oakland, California 94607

RE: Notice of Consequences of Failure to Obtain Representation for
Corporation
Northern California River Watch v. Oakland Maritime Support Services
Lavon Godfrey v. Oakland Port Services dba AB Trucking

Dear Bill:

Please accept this letter as notification that Oakland Maritime Support Services ("OMSS") and Oakland Port Services dba AB Trucking ("AB Trucking") may not appear without an attorney in a California state court and federal district court. Accordingly, OMSS must obtain new counsel to finalize the proposed settlement in the Northern California River Watch v. Oakland Maritime Support Services litigation. Failure to obtain representation could result in a forfeiture of the proposed settlement and inability to appear in the Case Management Conference scheduled for June 20, 2013 as well as other pre-trial hearings and the trial scheduled in this matter for March 14, 2014.

Likewise, AB Trucking must obtain new counsel if it wishes to pursue appeal of any post trial decision in the matter of Lavon Godfrey v. Oakland Port Services dba AB Trucking. Failure to obtain representation could result in a forfeiture of rights that may be available regarding appeal, if and when a decision is rendered in that matter.

As explained in my earlier correspondence of March 7, 2013 and April 25, 2013 and the correspondence of Guy Bryant dated April 22, 2013 notifying you of our intent to withdraw as counsel of record; we have not heard from you with regard to a strategy to pay for overdue invoices. Bryant & Brown is unable to represent you and maintain the level of service that our clients expect without payment as set forth in the Agreement for Legal Services between this office and you in these matters.

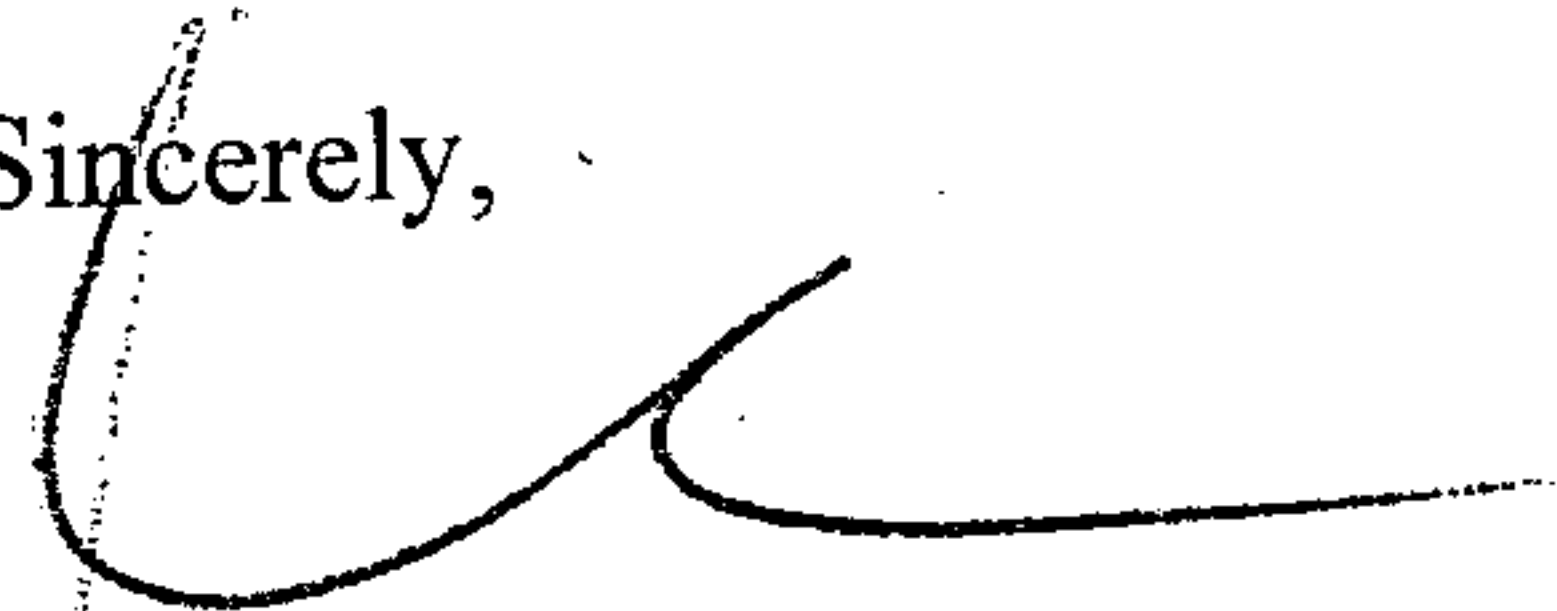
William Aboudi
Notice of Consequences of Failure to Obtain Representation for Corporation
Northern California River Watch v. Oakland Maritime Support Services
Lavon Godfrey v. Oakland Port Services dba AB Trucking

- 2 -

May 1, 2013

Please let me know if and when you obtain new counsel to represent the corporations AB Trucking and OMSS and if you choose to represent yourself as an individual in the Northern California River Watch v. Oakland Maritime Support Services matter so that the court can be notified.

Sincerely,



Meredith E. Brown
Bryant & Brown Law Office

Encl.

CC: Guy A. Bryant

1 Meredith E. Brown - 142134
Guy A. Bryant -146190
2 The Law Office of Bryant & Brown
476 Third Street
3 Oakland, CA 94607
(510) 836-7563 (Telephone)
4 (510) 836-7564 (Facsimile)
5 Attorney for Defendant
6 OAKLAND PORT SERVICES CORP. d/b/a
AB TRUCKING, a California Corporation,

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF ALAMEDA

10) Case No.: RG 08-379099
11 LAVON GODFREY and GARY GILBERT,)
on behalf of themselves and all other similarly) **PROOF OF SERVICE**
12 situated,)
13 Plaintiffs,) Action Filed: March 28, 2008
Date: May 3, 2013
14 vs.) Dept.: 20 for Trial: February 14, 2012
Before Honorable Judge Robert B. Freedman
15) Hearing Date: June 7, 2013
OAKLAND PORT SERVICES CORP. d/b/a)
16 AB TRUCKING, and DOES 1-20) R-1395638
17 Defendant.)
18)
19)
20)

22 **PROOF OF SERVICE**

23 I am employed in the County of Alameda, State of California. I am over the age of 18
24 and not a party to the within action. My business address is 476 Third Street, Oakland,
California, 94607.
25 On May 14, 2013, I served the foregoing documents described as:

1 **NOTICE OF MOTION AND MOTION TO BE RELIEVED AS COUNSEL;**
2 **DECLARATION OF GUY A. BRYANT IN SUPPORT THEREOF**

3 on the interested parties in this action by placing a true copy thereof enclosed in a
4 sealed envelope addressed as follows:

5 **SEE MAILING LIST INCLUDED HEREIN**

6

7 (BY MAIL) I am readily familiar with the firm's practice of collection and
8 processing correspondence for mailing. Under that practice it would be
9 deposited with U.S. postal service on that same day with postage thereon fully
10 prepaid at Oakland, California in the ordinary course of business.

11

12 (BY FACSIMILE/E-MAIL) by faxing or e-mailing a true and correct copy thereof to
13 the person(s) at the fax number or e-mail address set forth below.

14

15 (BY FEDERAL EXPRESS) by using express mail service and causing to be
16 delivered overnight next day delivery a true copy thereof to the person(s) at the
17 address set forth above.

18

19 (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand
20 to the offices of the addressee.

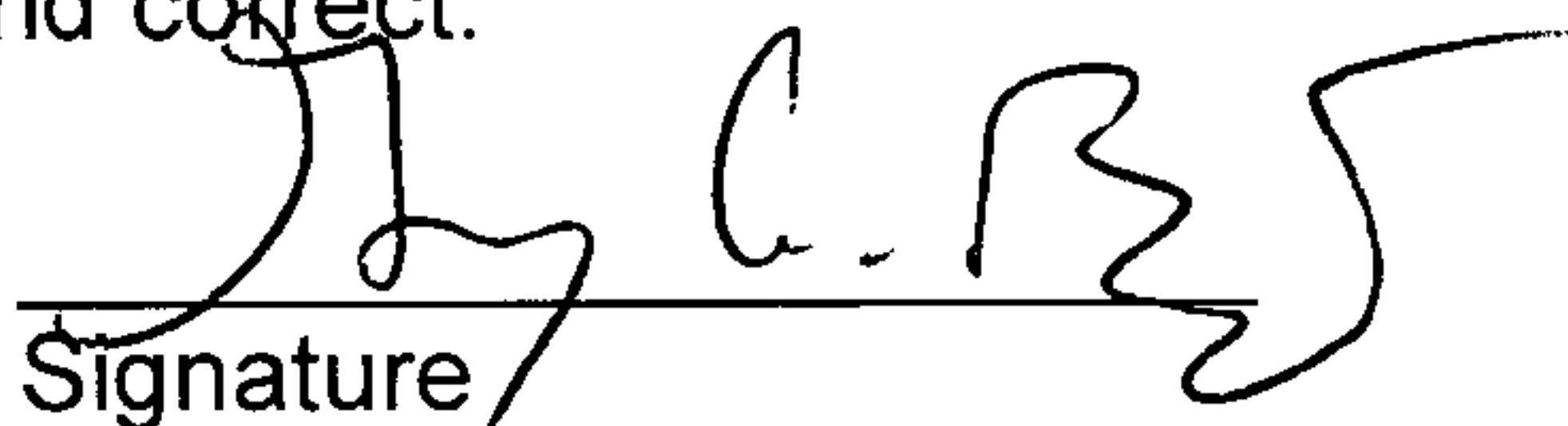
21

22 (FEDERAL) I declare that I am employed in the office of a member of the bar
23 of this court at whose direction the service was made.

24

25 (STATE) I declare under penalty of perjury under the laws of the State of
California that the above is true and correct.

GUY A. BRYANT


Signature

SERVICE LIST

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

VIA PERSONAL SERVICE ON ALL PARTIES LISTED HEREIN:

Attorney for: LAVON GODFREY and GARY GILBERT, ET AL.

David A. Rosenfeld
Lisl R. Duncan
Weinberg, Roger & Rosenfeld
A Professional Corporation
1001 Marina Village Parkway, Suite 200
Alameda, California 94501-1091

Lisl Duncan [lduncan@unioncounsel.net]

DEFENDANT REPRESENTATIVE

Mr. William Aboudi
AB Trucking/Oakland Port Services Corp.
11 Burma Road
Oakland, CA 94607