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By: Anita Dhir  
ALAMEDA COUNTY SUPERIOR COURT

MAY 19 2011

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By: [Signature] Deputy

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10 Attorneys for Plaintiffs  
11 LAVON GODFREY and GARY GILBERT

12 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 IN AND FOR THE COUNTY OF ALAMEDA

14 LAVON GODFREY and GARY GILBERT, on ) Case No. RG08379099  
15 behalf of themselves and all others similarly )  
16 situated, )

17 Plaintiffs,

18 [Signature]  
19 ~~PROPOSED~~ CASE MANAGEMENT  
20 CONFERENCE ORDER

21 v.

22 OAKLAND PORT SERVICES CORP. d/b/a )  
23 AB TRUCKING, and DOES 1 through 20, )  
24 inclusive, )

25 Date: May 13, 2011  
26 Time: 10:00 a.m.  
27 Judge: Robert B. Freedman  
28 Dept.: 20

29 Defendants.

30 A Complex Case Management Conference ("CCMC") in this matter was held on May 13,  
31 2011 at 10:00 a.m. Plaintiffs Lavon Godfrey and Gary Gilbert ("Plaintiffs") appeared through their  
32 counsel Lisl R. Duncan of Weinberg, Roger & Rosenfeld. Defendant Oakland Port Services  
33 Corporation ("Defendant") appeared through its counsel Jay Ian Aboudi.

34 Having considered the comments and proposals of the parties presented at the CCMC, the  
35 Court hereby ORDERS:

36 1. Plaintiffs informed the Court it is their position that there is no issue triable by jury  
37 in this matter. Defendant informed the Court that it is its position that there is no issue triable by  
38 jury, barring any issues arising out of any dispositive motions filed by the parties. No jury trial has  
39 been set. The date for trial previously set of November 29, 2011 remains on calendar, as well as  
40 the trial management conference set for November 10, 2011.

1           2.       The trial will be bifurcated to separate liability and damages. The parties advised  
2 the Court that to date neither side anticipates testimony from expert witnesses at the first liability  
3 stage of the trial.

4           3.       The parties will schedule a date for mediation with a mediator selected by the Court  
5 from three nominated by Plaintiffs and three nominated by Defendant.


6           4.       The parties will present a thorough trial management plan for the Court's  
7 consideration, unless mediation proves successful.

8           5.       Defendant indicated it would file a motion for decertification and the Court set the  
9 hearing date for that motion for August 5, 2011 at 11:00 a.m. in Department 20.

10          6.       Plaintiffs indicated that a protective order from the Court, or other form of  
11 assistance and intervention, may be sought after further evidence is gathered regarding whether or  
12 not undue influence has occurred as a number of the requests for exclusion from the class are  
13 identical in format and/or from current employees. The Court advised that it takes this type of  
14 issue very seriously.

15           IT IS SO ORDERED.

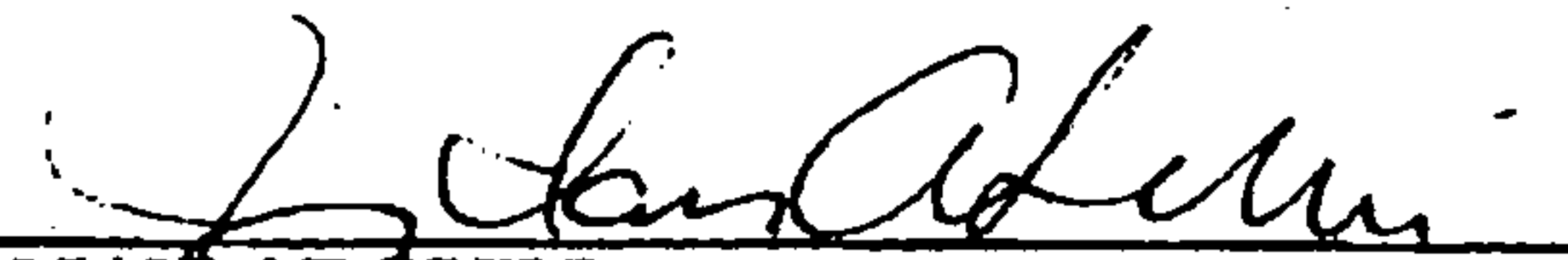
16           *Order: May 19, 2011*

  
17           JUDGE ROBERT B. FREEDMAN

18           Approved as to form:

19           Dated: May 19, 2011

20           THE LAW OFFICE OF JAY IAN ABOUDI

21           By:   
22           JAY IAN ABOUDI  
23           ATTORNEYS FOR OAKLAND PORT SERVICES  
24           CORP. dba AB TRUCKING

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