



1 DAVID A. ROSENFELD, Bar No. 058163  
 2 CAREN P. SENCER, Bar No. 233488  
 3 LISL R. DUNCAN, Bar No. 261875  
 4 WEINBERG, ROGER & ROSENFELD  
 5 A Professional Corporation  
 1001 Marina Village Parkway, Suite 200  
 Alameda, California 94501  
 Telephone (510) 337-1001  
 Fax (510) 337-1023

**FILED**  
 ALAMEDA COUNTY  
 MAY 24 2013

CLERK OF THE SUPERIOR COURT  
 By J. Williams Deputy

6 Attorneys for Plaintiffs  
 7 LAVON GODFREY and GARY GILBERT

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

11 LAVON GODFREY and GARY GILBERT,  
 12 on behalf of themselves and all others  
 13 similarly situated,

13 Plaintiffs,

14 v.

15 OAKLAND PORT SERVICES CORP. d/b/a  
 16 AB Trucking, and DOES 1 through 20,  
 17 inclusive,

17 Defendants.

Case No. RG08379099

**DECLARATION OF LISL R. DUNCAN IN  
 SUPPORT OF PLAINTIFFS'  
 OPPOSITION TO DEFENSE COUNSEL'S  
 MOTION TO BE RELIEVED AS  
 COUNSEL**

Date: June 7, 2013  
 Time: 10:00 a.m.  
 Dept. 20  
 Judge: Hon. Robert B. Freedman

Action Filed: March 28, 2008  
 Trial Date: February 14, 2012

20 I, Lisl R. Duncan, hereby declare and state as follows:

21 1. I am an attorney duly licensed to practice law before all the courts in the State of  
 22 California, and I am an associate with Weinberg, Roger & Rosenfeld, class counsel and the  
 23 attorneys of record for Plaintiffs Lavon Godfrey and Gary Gilbert. I have personal knowledge of  
 24 the following facts, and if called to testify, I could and would competently testify to each fact  
 25 contained in this declaration. I have been counsel for Plaintiffs and the Class since January 2009  
 26 and participated in all days of the trial in this matter.  
 27

28 **DECLARATION OF LISL R. DUNCAN IN SUPPORT OF PLAINTIFFS'  
 OPPOSITION TO DEFENSE COUNSEL'S MOTION TO BE RELIEVED AS COUNSEL**

Case No. RG08379099

FILED

1           2.       Plaintiffs filed a class action complaint against AB on March 28, 2008, alleging  
2 numerous wage and hour violations. A Class of drivers was certified and the Class substantially  
3 prevailed at trial. The damages due and owing are close to a million dollars.

4           3.       AB and its counsel requested a Statement of Decision from the Court, rather than  
5 accepting the Court's Notice of Intended Decision ("NOID"), which was issued on October 2,  
6 2012. As a result, the Proposed Statement of Decision ("PSOD") was filed on November 2, 2012.

7           4.       Then, AB and its counsel filed Objections to the PSOD.

8           5.       The Court was not able to respond to the Objections raised by AB until April 8,  
9 2013. AB and its counsel, thus, delayed a final ruling for five (5) months.

10          6.       The Court denied their Objections. (See Order of April 8, 2013.)

11          7.       Despite the Court's ruling denying AB's Objections, making virtually the same  
12 argument, AB and its counsel asked the Court during the hearing on May 10, 2013 to wait *yet*  
13 *another* sixty (60) days before issuing a Final Judgment.

14          8.       Mr. Bryant is the fourth attorney to be counsel for AB in this case. Each time AB  
15 has brought in a new attorney it has caused delay while the new attorney reviewed the files and  
16 familiarized himself with the case. Although, when Mr. Jay I. Aboudi (third attorney for AB)  
17 substituted into the case in place of Mr. Michael Broad (second attorney), there was less delay  
18 caused as Mr. Jay Aboudi had previously been working on the case with Mr. Broad in Mr. Jay  
19 Aboudi's capacity as general counsel for AB. This delay while new defense counsel "got up to  
20 speed," including Mr. Bryant, occurred both in December 2008 and on the eve of trial, in part  
21 causing the trial date to be delayed ninety (90) days, or until February 2012. (See also Order  
22 Granting Continuance, filed December 2, 2011.) Mr. Bryant is the third attorney asking to be  
23 relieved as counsel ostensibly because he has not been paid by AB.

24           I declare under penalty of perjury that the foregoing is true and correct from my own  
25 personal knowledge. Executed this 22 day May, 2013, in Los Angeles, California.

26  
27  
28  
  
\_\_\_\_\_  
LISL R. DUNCAN

118212/718023

- 2 -

DECLARATION OF LISL R. DUNCAN IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENSE COUNSEL'S MOTION TO BE RELIEVED AS COUNSEL  
Case No. RG08379099

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  
26  
27  
28

**PROOF OF SERVICE**

I am a citizen of the United States and resident of the State of California. I am employed in the County of Los Angeles, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On May 24, 2013, I served the following documents in the manner described below:


**DECLARATION OF LISL R. DUNCAN IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO DEFENSE COUNSEL'S MOTION  
TO BE RELIEVED AS COUNSEL**

- (BY U.S. MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing with the United States Parcel Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Los Angeles, California.
- (BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by United Parcel Service for overnight delivery.
- (BY FACSIMILE) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system on \_\_\_\_\_ from \_\_\_\_\_@unioncounsel.net to the email addresses set forth below.

On the following part(ies) in this action:

Guy A. Bryant, Esq. Bryant & Brown 476 3 <sup>rd</sup> Street Oakland, CA 94607	(510) 836-7564 (fax) <a href="mailto:guybryant@bryantbrownlaw.com">guybryant@bryantbrownlaw.com</a>
--	--

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 24, 2013, at Los Angeles, California.

  
\_\_\_\_\_  
Guadalupe Issa