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WREP

MC-052

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):	FOR COURT USE ONLY <p style="text-align: center;">FILED ALAMEDA COUNTY</p> <p style="text-align: center;">JUN - 4 2013</p> <p style="text-align: right;">, Exec. Off/Clerk</p> <p>By <u><i>Guy A. Bryant</i></u></p>
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: RG08-379099
<p style="text-align: center;">DECLARATION IN SUPPORT OF ATTORNEY'S MOTION TO BE RELIEVED AS COUNSEL—CIVIL</p>	HEARING DATE: 6/7/13; R-1395638 DEPT.: 20 TIME: 10:00 am BEFORE HON.: Robert B. Freeman DATE ACTION FILED: March 28, 2008 TRIAL DATE: February 14, 2012

- Attorney and Represented Party.** Attorney (name): Guy A. Bryant is presently counsel of record for (name of party): AB Trucking et al. in the above-captioned action or proceeding.
- Reasons for Motion.** Attorney makes this motion to be relieved as counsel under Code of Civil Procedure section 284(2) instead of filing a consent under section 284(1) for the following reasons (describe):

Client AB Trucking et al. has failed to compensate legal counsel in accordance with written engagement agreements. Client AB Trucking et al. has confirmed that it will obtain new counsel (Chauvel & Glatt LLP) in Mid-June 2013. It would cause undue hardship on both legal counsel and AB Trucking et al. to deny the Motion to be relieved as counsel as attorney fees and costs would continue to accrue to the detriment of all. (See Declaration of Guy A. Bryant in support of Motion to be Relieved As Counsel dated and filed 5/14/13.)

Continued on Attachment 2.

- Service**
 - Attorney has
 - personally served the client with copies of the motion papers filed with this declaration. A copy of the proof of service will be filed with the court at least 5 days before the hearing.
 - served the client by mail at the client's last known address with copies of the motion papers served with this declaration.
 - If the client has been served by mail at the client's last known address, attorney has
 - confirmed within the past 30 days that the address is current
 - by mail, return receipt requested.
 - by telephone.
 - by conversation.
 - by other means (specify):

(Continued on reverse)

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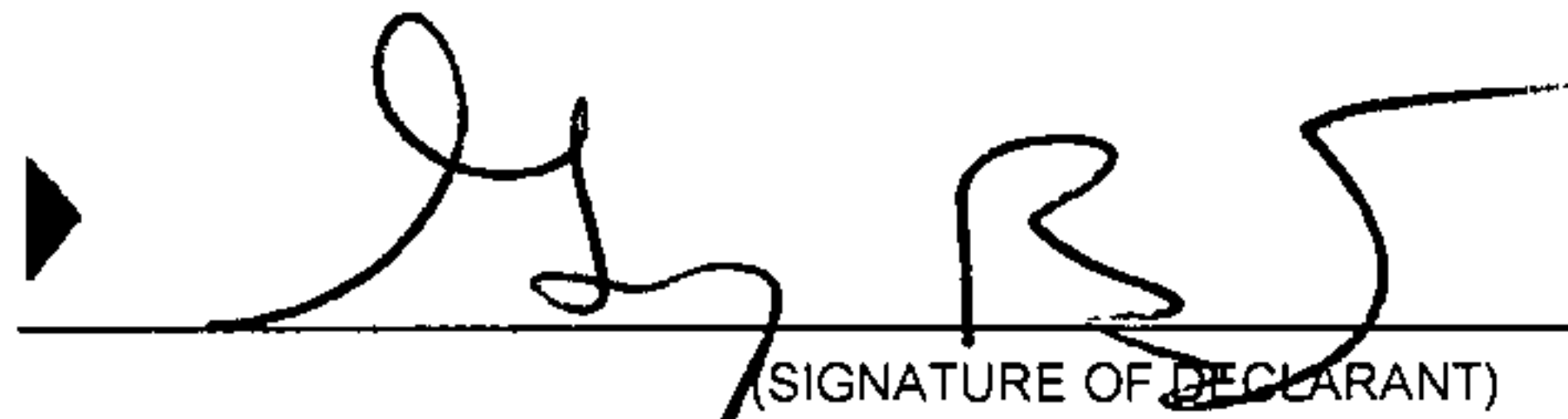
3. b. (2) been unable to confirm that the address is current or to locate a more current address for the client after making the following efforts:
- (a) mailing the motion papers to the client's last known address, return receipt requested.
- (b) calling the client's last known telephone number or numbers.
- (c) contacting persons familiar with the client (*specify*):
- (d) conducting a search (*describe*):
- (e) other (*specify*):
- c. Even if attorney has been unable to serve the client with the moving papers, the court should grant attorney's motion to be relieved as counsel of record (*explain*):
4. The next hearing scheduled in this action or proceeding
- a. is not yet set.
- b. is set as follows (*specify the date, time, and place*):
 June 7, 2013 at 10:00 am in Dept. 20 of the Alameda County Superior Court
- c. concerns (*describe the subject matter of the hearing*):
 Post trial motions, settlement negotiations and potential appeal of entered judgment.
- Continued on Attachment 4.
5. The following additional hearings and other proceedings (including discovery matters) are presently scheduled in this case (*for each, describe the date, time, place, and subject matter*):
- N/A
- Continued on Attachment 5.
6. Trial in this action or proceeding
- a. is not yet set.
- b. is set as follows (*specify the date, time, and place*):
7. **Other.** Other matters that the court should consider in determining whether to grant this motion are the following (*explain*):
- Legal counsel has requested the Court to implement California Rules of Court, Rule 8.104(3) to permit smooth transition to new legal counsel. Moreover, legal counsel requests an additional 20 day "stay" on enforcement of the May 21, 2013 entered judgment to permit the copying and transfer of case files to new legal counsel if the Motion to be relieved as counsel is granted.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Guy A. Bryant

(TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)

8. Number of pages attached: 2 - Proposed Order

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8. The following additional hearings and other proceedings (including discovery matters) are set in this action (*describe the date, time, place, and subject matter of each*):

9. The trial in this action or proceeding:

a. is not yet set.

b. is set for (*specify date, time, and place*):

10. Client is hereby notified of the following effects this order may have upon parties.

NOTICE TO CLIENT

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.

11. Client is notified that, if the client will be representing himself or herself, the client shall be solely responsible for the case.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

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.

12. Client is notified that it is the client's duty to keep the court informed at all times of the client's current address.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

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.

13. The court further orders (*specify*):

Date:

JUDGE OR JUDICIAL OFFICER

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
OAKLAND PORT SERVICES CORP. d/b/a
6 AB TRUCKING, a California Corporation,

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF ALAMEDA

10
11 LAVON GODFREY and GARY GILBERT,
12 on behalf of themselves and all other similarly
situated,

13 Plaintiffs,

14 vs.

15 OAKLAND PORT SERVICES CORP. d/b/a
16 AB TRUCKING, and DOES 1-20

17 Defendant.
18
19
20

) Case No.: RG 08-379099

) **PROOF OF SERVICE**

) Action Filed: March 28, 2008

) Date: May 3, 2013

) Dept.: 20 for Trial: February 14, 2012

) Before Honorable Judge Robert B. Freedman

) Hearing Date: June 7, 2013

) R-1395638

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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 June 4, 2013, I served the foregoing documents described as:

1 **DECLARATION OF GUY A. BRYANT IN SUPPORT OF MOTION TO BE RELIEVED**
2 **AS COUNSEL-FORM MC-052; PROPOSED ORDER -FORM MC-053**

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 

1 **SERVICE LIST**

2
3
4 **VIA PERSONAL SERVICE ON ALL PARTIES LISTED HEREIN:**

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

6 David A. Rosenfeld
7 Lisl R. Duncan
8 Weinberg, Roger & Rosenfeld
9 A Professional Corporation
10 1001 Marina Village Parkway, Suite 200
11 Alameda, California 94501-1091

Lisl Duncan [lduncan@unioncounsel.net]

11 **DEFENDANT REPRESENTATIVE**

12 Mr. William Aboudi
13 AB Trucking/Oakland Port Services Corp.
14 11 Burma Road
15 Oakland, CA 94607
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