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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
 6 1001 Marina Village Parkway, Suite 200
 7 Alameda, California 94501-1091
 8 Telephone 510.337.1001
 9 Fax 510.337.1023

FILED
 ALAMEDA COUNTY

JUN 11 2010

10 Attorneys for Plaintiffs
 11 LAVON GODFREY and GARY GILBERT

CLERK OF THE SUPERIOR COURT
 By [Signature] Deputy

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. RG 08-379099
 15 behalf of themselves and all others similarly)
 16 situated,)

17 Plaintiffs,

) SUPPLEMENTAL DECLARATION OF
) LISL R. DUNCAN IN SUPPORT OF
) PLAINTIFFS' MOTION FOR CLASS
) CERTIFICATION

18 v.

19 OAKLAND PORT SERVICES CORP. d/b/a)
 20 AB TRUCKING, and DOES 1 through 20,)
 21 inclusive,)

22 Defendants.

) Date: June 25, 2010
) Time: 11:00 a.m.
) Dept: 20
) Judge: Robert B. Freeman

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

24 1. I am an attorney duly licensed to practice law before all the courts in the State of
 25 California, and I am an associate with Weinberg, Roger & Rosenfeld, the attorneys of record for
 26 Plaintiffs Lavon Godfrey and Gary Gilbert. I have personal knowledge of the following facts, and
 27 if called to testify, I could and would competently testify to each fact contained in this declaration.

28 2. I attended the deposition of William Aboudi on June 8, 2009. A true and correct
 copy of additional excerpts from the reporter's transcript of the deposition of William Aboudi,
 president of Defendant Oakland Port Services and the individual produced by Defendant as its
 person most knowledgeable regarding the company's timekeeping practices, daily operations,
 policies and practices regarding meal periods and rest periods, and compliance with wage/hour

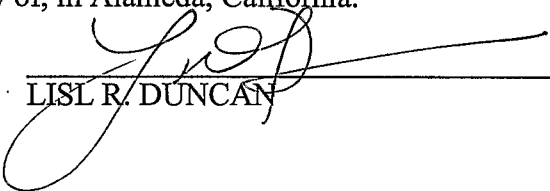
1 laws, is attached hereto and incorporated herein by reference as Exhibit B-2.

2 3. I attended the deposition of Plaintiff Lavon Godfrey on December 7, 2009. A true
3 and correct copy of additional excerpts from the reporter's transcript of the deposition of Plaintiff
4 Lavon Godfrey, is attached hereto and incorporated herein by reference as Exhibit D-2.

5 4. I attended the deposition of Plaintiff Gary Gilbert on February 13, 2009. A true and
6 correct copy of supplemental excerpts from the reporter's transcript of the deposition of Plaintiff
7 Gary Gilbert, is attached hereto and incorporated herein by reference as Exhibit E-2.

8 5. Plaintiffs served responses to form interrogatories. After motion practice, Plaintiffs
9 served supplemental responses to form interrogatories on January 5, 2010. A true and correct copy
10 of Plaintiffs' January 5 supplemental responses are attached hereto and incorporated herein by
11 reference as Exhibit K. Plaintiffs served additional supplemental responses on February 16, 2010.
12 A true and correct copy of Plaintiffs' February 16 supplemental responses are attached hereto and
13 incorporated herein by reference as Exhibit L.

14 I declare under penalty of perjury that the foregoing is true and correct from my own
15 personal knowledge. Executed this 10 day of, in Alameda, California.

16 
17 LISL R. DUNCAN

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B-2

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

--oOo--

LAVON GODFREY and GARY GILBERT,)
on behalf of themselves and all)
others similarly situated,)

Plaintiffs,)

vs.)

No. RG 08-379099

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

Defendants.)

DEPOSITION OF BILL ABOUDI

ALAMEDA, CALIFORNIA

Monday, June 8, 2009

REPORTED BY:

INGRID SKOROBOHATY

CSR NO. 11669

1 the Port area. I'm asking about the property that's
2 actually part of the Port of Oakland.

3 MR. BROAD: You mean the maritime part? You
4 understand that there's warehouses that are by the
5 coliseum that are part of the --

6 MS. SENCER: Where the land is owned by the
7 Port of Oakland?

8 MR. BROAD: Yeah.

9 THE WITNESS: That's correct.

10 MR. BROAD: And the airport is owned by the
11 Port of Oakland.

12 MS. SENCER: I understand that the airport is
13 part of the Port of Oakland.

14 Q. My question is, Does AB Trucking provide
15 transportation to entities that are located on the
16 grounds of the Port of Oakland?

17 A. Yes. It would have to be yes. It's a big
18 area.

19 Q. If I understood correctly, you said there's
20 currently ten drivers. Is that correct?

21 A. Yes.

22 Q. How many drivers were there in 2008, on
23 average?

24 A. 12.

25 Q. And how many drivers were there in 2007?

Page 48

1 A. 12.

2 Q. And how many drivers were there in 2006?

3 MR. BROAD: You can give an estimate. You
4 don't have to give an exact number if you can't pull an
5 exact number out.

6 THE WITNESS: 10 to 12. I'm not really sure
7 when we jumped to 12.

8 MS. SENCER: Q. Do you have a recollection of
9 how many drivers there were in 2005?

10 A. 8 to 12.

11 Q. What is the rate of turnover on your drivers?

12 A. I don't have a percentage, if that's what
13 you're looking for.

14 Q. What is the average length of seniority of any
15 of your drivers that are currently employed?

16 MR. BROAD: If there is an average.

17 MS. SENCER: There's always an average.

18 MR. BROAD: If you've calculated an average.

19 THE WITNESS: Our company is designed to have
20 a high turnover to train people and bring them into the
21 business to give them the experience that they need to
22 move to a better position, and we actually have been
23 targeted by union and nonunion companies that hire our
24 people because they have the experience and we give 'em
25 the proper training, and they know how to back up, so by

1 design we get a lot of turnover, and not to say that we
2 don't have people that are with us and have been with us
3 for a while.

4 MS. SENCER: Q. Of the ten drivers that you
5 have now, your best estimate as to the average length of
6 time they've been there.

7 MR. BROAD: And if you haven't calculated the
8 average for those ten drivers, Bill, I don't want you to
9 guessing what that calculation would be, because as
10 Ms. Sencer has asked, she's asked for the average. An
11 average is a mathematical equation.

12 THE WITNESS: I have not calculated, but I
13 know we haven't hired for the last at least six months,
14 almost a year.

15 MS. SENCER: Q. Of the ten drivers that you
16 currently have employed, what is the longest that any of
17 them have been with you as a driver?

18 A. '96, '97.

19 Q. Which would be the beginning of the operation,
20 correct?

21 A. Yes.

22 Q. How are the drivers paid?

23 A. Hourly.

24 Q. How is the hourly wage rate set?

25 A. You want my mathematical interpretation of

1 We're not a 37-law-firm attorney [sic], so
2 there's only ten drivers and one of me, and I'm going to
3 go from showing up on time to making sure that you don't
4 use drugs, making sure that, if you show up -- you don't
5 show up on Monday, you're going to get drug-tested on
6 Tuesday, you're not going to work until that result
7 comes back, to how to communicate with my customers, how
8 to fill out paperwork, how to deal with other people,
9 how to deal with the longshoremen. We go through an
10 extensive list of things that we talk about to make
11 sure -- these guys have just come out of jail, and some
12 of 'em have tempers that put 'em in jail, and we don't
13 want that to happen again, so we go through all of that,
14 make sure that they -- if they have any issues, they
15 communicate it.

16 Q. Do you provide any information to the drivers
17 at this orientation regarding meal periods and rest
18 periods?

19 A. We talk about everything.

20 Q. Do you provide any written follow-up on any of
21 those communications?

22 A. We've done memos, but really it's all just
23 sitting and communicating with these people, because
24 everything that you give them goes in the trash can.

25 Q. What kind of memos have you done?

1 Q. Do you recall any?

2 A. I remember one driver wanted \$5,000.

3 Q. Was that a denial based on the amount that was
4 sought, or the employee seeking it?

5 A. That's correct. Based on the amount.

6 Q. Are there criteria that you use in determining
7 whether or not an employee will be given a cash advance?

8 A. You have to break it down on an individual
9 level and what they want the money for. So if I have
10 somebody that just came out of drug rehab asking me for
11 cash, then there's a problem. If the person maybe was
12 ill and/or had to go on a family leave and comes back
13 and they need a few dollars to get going until the next
14 payroll period, then we understand it, but no, I'm not
15 going to give it to a formerly incarcerated person, not
16 knowing what he did with his money, and that raises some
17 flags for me. I'm dealing with a special group of
18 people, not your typical employees that work in an
19 office.

20 Q. Are there written agreements entered into when
21 an employee seeks a cash advance or is granted a cash
22 request?

23 A. No. Usually they ask for 20 bucks to get 'em
24 through so they can buy lunch because they forgot money
25 at home or their check didn't clear on Friday and they

1 from different places.

2 So we've had this person that used to go to
3 prisons and talk to people about reentry, and he would
4 say, "If you need help coming out of jail, we can place
5 you, or we can give you more training," and he would use
6 us to give them more training.

7 We've had -- in the particular case that
8 you're talking about, I got so tired of, you know,
9 people asking me for a job that I said, "Okay. I really
10 don't want to talk to these people until they go through
11 a road test and let me know." And that way, when we
12 take an application from somebody, we know what level of
13 skill he's got. So if somebody was to come in and
14 apply, at one point, the order for me was, like,
15 "Whether we need to hire or not, give him a road test.
16 Give me a scale of where he is from one to ten, and let
17 him go. And then if I need him, I'll call him." So
18 some of the drivers would say, "Hey, you're really
19 rusty. You could use some training." They'd offer to
20 train 'em.

21 MS. SENCER: Q. So your employee drivers can
22 offer to train people that have not yet gone through an
23 application process with you to be a trainee?

24 A. My employee drivers -- everybody has to fill
25 out their information for us to put them in a truck to

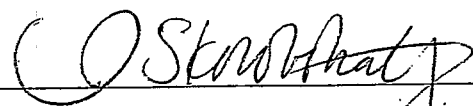
1 State of California)
2 County of Alameda)

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I, INGRID SKOROBOHATY, hereby certify that the witness in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth and nothing but the truth in the within entitled cause; that said deposition was taken at the time and place herein named; that the deposition is a true record of the witness' testimony as reported to the best of my ability by me, a duly Certified Shorthand Reporter and disinterested person, and was thereafter transcribed under my direction into typewriting by computer; that the witness was given an opportunity to read, correct and sign the deposition.

I further certify that I am not interested in the outcome of said action nor connected with nor related to any of the parties in said action nor to their respective counsel.

IN WITNESS WHEREOF, I have hereunder subscribed my hand on this 19th day of June 2009.



INGRID SKOROBOHATY, CSR NO. 11669

Index
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D-2

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

---o0o---

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

COPY

Plaintiffs,

No. RG 08-379099

vs.

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

Defendants.

DEPOSITION OF LAVON GODFREY

Volume II

(Pages 202 to 412, inclusive)

Taken before LETICIA A. RALLS, RPR
CSR No. 10070
December 7, 2009



One Kaiser Plaza, Suite 505
Oakland, California 94612
Ph 510-451-1580
Fax 510-451-3797
www.aikenwelch.com

1 Q. Okay. And is that the date you filled out this
2 Application For Employment?

3 A. Yes.

4 Q. Okay. And we talked about, down at the bottom
5 of the first box, it says, "Who referred you," and you
6 wrote "Eric Grain," and we talked about Eric referring
7 you -- telling you -- was it your mother he told that
8 you had -- there was a job available?

9 A. Yes.

10 Q. Okay. And -- and it was through that
11 information that you came down to apply, correct?

12 A. Yes.

13 Q. Okay. And in case of emergency, Trenda
14 Gilmore. That would be who?

15 A. My mother.

16 Q. Your mother, okay.

17 And is that your correct social security number
18 listed there, 556-51-7475?

19 A. Yes.

20 Q. Okay. Under, "Have you ever been bonded,"
21 there's another question. It says, "Have you ever been
22 convicted of a felony?" It says "Yes," in self
23 defense? Okay.

24 Can you tell me what -- did you write that?

25 A. Yes.

1 Q. Okay. Can you tell me what you meant by that?

2 A. Just what it says.

3 Q. Okay. So you have been convicted of a felony,
4 correct?

5 A. At that time.

6 Q. At that time. And when you say "at that time,"
7 what do you mean by "at that time"?

8 A. I don't have a felony as of now.

9 Q. Okay. What time was this when you were
10 convicted of a felony? Approximately.

11 A. I don't -- I don't have the specific date.

12 Q. Was it in this decade, from 2000 to 2010, or
13 was it older than that?

14 (Mr. B. Aboudi joins deposition.)

15 THE WITNESS: I don't have the exact date.

16 BY MR. BROAD:

17 Q. Okay. Was it -- I understand you don't have
18 the exact date, but we're also entitled to best
19 estimates based on what information you have.

20 So this felony that you brought up here --

21 MR. BROAD: Good morning.

22 MR. B. ABOUDI: Good morning.

23 BY MR. BROAD:

24 Q. This felony that you brought up here, was the
25 conviction date -- was it within the last ten years, or

1 was it older than that?

2 A. Within the last ten years.

3 Q. Within the last ten years, okay.

4 And was that as a result of a plea bargain, or
5 was that as a result of a conviction via trial?

6 A. I don't -- I don't have that information.

7 Q. Okay. Was that in Alameda County?

8 A. Yes.

9 Q. Okay. And you -- and "245." Can you tell me
10 what "245" means?

11 A. I don't have that information.

12 Q. Okay. Can you tell me the nature of the felony
13 conviction? What was it for?

14 MS. DUNCAN: The previous felony?

15 MR. BROAD: Yeah, the one that she writes here,
16 "245."

17 THE WITNESS: I know it's assault.

18 BY MR. BROAD:

19 Q. Assault.

20 A. Yeah.

21 Q. Okay. And you also wrote self defense. What
22 did you mean by that?

23 A. Mortal combat. Defending myself.

24 Q. Okay. And then you also testified just
25 previously that it's -- that somehow it's no longer on

1 your record; is that correct?

2 A. That's correct.

3 Q. And can you tell me why it's no longer on your
4 record, if you know?

5 A. I did everything I was supposed to do. I got
6 my degree, and they took it off my record.

7 Q. Okay. So it's been expunged?

8 A. It's been expunged.

9 Q. Okay. And when did that take place?

10 A. I think -- I don't have the exact date.

11 Q. Okay.

12 A. I would -- I would have to look -- I would have
13 to look at my court papers to tell you that. I don't
14 have the exact date.

15 Q. Okay. Was it within the last five years?

16 A. Yes.

17 Q. Okay. And that was in Alameda County?

18 A. Yes.

19 Q. Okay. In Oakland?

20 A. Yes.

21 Q. Okay. Now, other than this one felony
22 conviction, do you have any other felony convictions at
23 all in your life?

24 MS. DUNCAN: In the past --

25 MR. BROAD: Without any time limitations.

1 MS. DUNCAN: I --

2 THE WITNESS: Not that I recall.

3 BY MR. BROAD:

4 Q. Okay. Okay. So this is the only conviction
5 that you can recall that you've had in your life?

6 A. Yes.

7 Q. Okay. All right. Let's go to Defendant's --
8 turn the page, and Defendant's 1-C.

9 A. 1-C?

10 Q. M-hm.

11 A. Okay.

12 Q. Now, at the time that you filled out this
13 application on December 22nd of '06, you were attending
14 Laney College; is that correct?

15 A. Yes.

16 Q. Okay. And I'm looking at your list of
17 employment, and I'm not exactly sure if I can
18 understand the sequence of -- of your work here, and I
19 was wondering if you could help explain that to me.

20 It looks like you -- you were -- can you tell
21 me who you -- what was the most recent employment, and
22 then how does it work back, please, with the three
23 employers that you've listed here?

24 MS. DUNCAN: Do you understand the question?

25 THE WITNESS: No, I don't.

1 STATE OF CALIFORNIA)
2 COUNTY OF CONTRA COSTA)

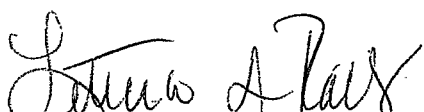
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I, LETICIA A. RALLS, do hereby certify:

That LAVON GODFREY, in the foregoing deposition named, was present and by me sworn as a witness in the above-entitled action at the time and place therein specified.

That said deposition was taken before me at said time and place, and was taken down in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true and correct report of said deposition and of the proceedings that took place;

IN WITNESS WHEREOF, I have hereunder subscribed my hand this 6th day of January 2010.


LETICIA A. RALLS, RPR, CSR NO. 10070
STATE OF CALIFORNIA

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

---000---

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

Plaintiffs,

vs.

COPY
No. RG 08-379099

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

Defendants.

DEPOSITION OF GARY GILBERT

VOLUME I (Pages 1 - 125)

Taken before JEANNIE M. CHIMPKY

CSR No. 12742

February 13, 2009



One Kaiser Plaza, Suite 505
Oakland, California 94612
Ph 510-451-1580
Fax 510-451-3797
www.aikenwelch.com

1 remember.

2 Q. I understand there might be others. Where was
3 Mariati located?

4 A. I believe Yuba City.

5 Q. So you did a long haul?

6 A. If you consider that long, yeah.

7 Q. You did a long haul with Eric, and Eric was
8 with you on that drive?

9 A. He was always with me.

10 Q. Did you drive exclusively, or did you share the
11 driving?

12 A. That day we shared.

13 Q. Now, you also mentioned you did pretrip
14 inspections?

15 A. Um-hmm.

16 Q. Now when you did pretrip inspections, did you
17 ever do that without supervision?

18 A. Yes.

19 Q. And how frequently would you do that without
20 supervision, pretrip inspections?

21 A. Maybe -- I don't want to overestimate. Maybe
22 through the whole duration. Let's say twice a week,
23 three times -- two or three times a week.

24 Q. After you did a pretrip inspection without
25 supervision, would Eric review the pretrip inspection

1 STATE OF CALIFORNIA)

2)

3 COUNTY OF ALAMEDA)

4

5 I, JEANNIE M. CHIMPKY, do hereby certify:

6 That GARY GILBERT, in the foregoing deposition
7 named, was present and by me sworn as a witness in the
8 above-entitled action at the time and place therein
9 specified;

10 That said deposition was taken before me at
11 said time and place, and was taken down in shorthand by
12 me, a Certified Shorthand Reporter of the State of
13 California, and was thereafter transcribed into
14 typewriting, and that the foregoing transcript
15 constitutes a full, true and correct report of said
16 deposition and of the proceedings that took place;

17 IN WITNESS WHEREOF, I have hereunder subscribed
18 my hand this 26th day of February 2009.

19

20

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22

23

Jeannie M. Chimpky
JEANNIE M. CHIMPKY, CSR No. 12742
State of California

24

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K

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
6 1001 Marina Village Parkway, Suite 200
7 Alameda, California 94501-1091
8 Telephone 510.337.1001
9 Fax 510.337.1023

6 Attorneys for Plaintiffs
LAVON GODFREY and GARY GILBERT

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

11 LAVON GODFREY and GARY GILBERT, on) Case No. RG 08-379099
12 behalf of themselves and all others similarly)
13 situated,) **PLAINTIFF LAVON GODFREY'S**
14 Plaintiffs,) **SUPPLEMENTAL RESPONSES TO**
15 v.) **DEFENDANT'S FORM**
16 OAKLAND PORT SERVICES CORP. d/b/a) **INTERROGATORIES - GENERAL,**
17 AB TRUCKING, and DOES 1 through 20,) **SET ONE**
18 inclusive,)
19 Defendants.)

18 PROPOUNDING PARTY: Defendant OAKLAND PORT SERVICES CORPORATION
19 RESPONDING PARTY: Plaintiff LAVON GODFREY
20 SET: One

22 Pursuant to Code of Civil Procedure § 2030, Plaintiff Lavon Godfrey provides the
23 following supplemental responses to Defendant's Form Interrogatories - General, Set One as
24 follows:

25 **GENERAL OBJECTIONS**

26 The following responses are made solely for purposes of this action. These supplemental
27 responses are based upon information presently available to Plaintiff, and no incidental or implied
28 admissions are intended hereby.

1 Plaintiff objects to the form interrogatories general set one, to the extent that they seek
2 information not presently in the possession of Plaintiff due to the fact that Plaintiff has not yet
3 completed her investigation of the facts related to this case, or completed discovery, or preparation
4 for trial. Plaintiff's investigation, discovery, and trial preparation are continuing, and may produce
5 information relevant to these interrogatories. The following responses are given without prejudice
6 to Plaintiff's right to produce any evidence subsequently discovered.

7 Plaintiff generally objects to these discovery requests as seeking information more readily
8 available to Defendants from other sources and/or already in possession of the propounding
9 Defendants, and as seeking information protected by the attorney-client privilege and work
10 product.

11 Subject to these general objections and without waiving any previously asserted objections,
12 Plaintiff provides the following supplemental responses:

13 **INTERROGATORIES**

14 **FORM INTERROGATORY NO. 17.1:**

15 Is your response to each request for admission served with these interrogatories an
16 unqualified admission? If not, for each response that is not an unqualified admission:

- 17 (a) state the number of the request;
- 18 (b) state all facts upon which you base your response;
- 19 (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have
20 knowledge of those facts;
- 21 (d) identify all DOCUMENTS and other tangible things that support your response and
22 state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or
23 thing.

24 **RESPONSE:**

25 **RFA 1:**

- 26 (c) As Plaintiff's response was a denial of this statement, it is not possible to identify
27 persons with knowledge of the absence of this fact.
- 28 (d) Documents produced by Defendant bate stamp #s: Godfrey 2004 0001 – 0245,

1 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
2 0001 – 0111

3 **RFA 2:**

4 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
5 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
6 knowledge at this time, William Aboudi has knowledge of facts pertaining to this statement.

7 (d) Plaintiff knows of no responsive documents in her possession, custody and/or
8 control.

9 **RFA 3:**

10 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
11 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
12 knowledge at this time, William Aboudi, Trina and Cynthia would have knowledge of facts
13 pertaining to this statement. Plaintiff has no knowledge of the addresses and telephone numbers of
14 these individuals other than Defendant's business address. Plaintiff has no personal knowledge of
15 whether other employees employed by Defendant during the statutory period have knowledge of
16 these facts, though Plaintiff assumes they would. Plaintiff has no personal knowledge of the
17 addresses or telephone numbers of the drivers employed by Defendant during the statutory period;
18 Defendant would be more likely to have this information.

19 (d) Plaintiff knows of no responsive documents in her possession, custody or control.

20 **RFA 4:**

21 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
22 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
23 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
24 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
25 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
26 personal knowledge of whether other employees employed by Defendant during the statutory
27 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
28 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant

1 during the statutory period; Defendant would be more likely to have this information.

2 (d) Plaintiff knows of no responsive documents in her possession, custody and/or
3 control.

4 **RFA 5:**

5 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
6 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
7 knowledge at this time, William Aboudi, Jovi Aboudi and Beth would have knowledge of facts
8 pertaining to this statement. Plaintiff has no knowledge of the addresses and telephone numbers of
9 these individuals other than Defendant's business address.

10 (d) Documents produced by Defendant bate stamp #s: Godfrey 2004 0001 – 0245,
11 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
12 0001 – 0111

13 **RFA 6:**

14 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
15 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
16 knowledge at this time, William Aboudi, Jovi Aboudi and Beth would have knowledge of facts
17 pertaining to this statement. Plaintiff has no knowledge of the addresses and telephone numbers of
18 these individuals other than Defendant's business address.

19 (d) Documents produced by Defendant bate stamp #s: Godfrey 2004 0001 – 0245,
20 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
21 0001 – 0111

22 **RFA 7:**

23 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
24 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
25 knowledge at this time, William Aboudi, Jovi Aboudi and Beth would have knowledge of facts
26 pertaining to this statement. Plaintiff has no knowledge of the addresses and telephone numbers of
27 these individuals other than Defendant's business address.

28 (d) Documents produced by Defendant bate stamp #s: Godfrey 2004 0001 – 0245,

1 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
2 0001 – 0111.

3 **RFA 8:**

4 (c) As Plaintiff's response was a denial of this statement, it is not possible to identify
5 persons with knowledge of the absence of this fact.

6 (d) Plaintiff knows of no responsive documents in her possession, custody and/or
7 control.

8 **RFA 9:**

9 (c) As Plaintiff's response was a denial of this statement, it is not possible to identify
10 persons with knowledge of the absence of this fact.

11 (d) Plaintiff knows of no responsive documents in her possession, custody and/or
12 control.

13 **RFA 10:**

14 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
15 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
16 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
17 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
18 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
19 personal knowledge of whether other employees employed by Defendant during the statutory
20 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
21 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
22 during the statutory period; Defendant would be more likely to have this information.

23 (d) Documents produced by Defendant bate stamp #s: OPS 00001 – 00280, Godfrey
24 2004 0001 – 0245, Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 –
25 0557, Godfrey 2008 0001 – 0111.

26 **RFA 11:**

27 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
28 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal

1 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
2 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
3 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
4 personal knowledge of whether other employees employed by Defendant during the statutory
5 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
6 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
7 during the statutory period; Defendant would be more likely to have this information.

8 (d) Plaintiff knows of no responsive documents in her possession, custody and/or
9 control.

10 **RFA 12:**

11 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
12 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
13 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
14 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
15 telephone numbers of these individuals other than Defendant's business address.

16 (d) Documents produced by Defendant bate stamp #s: Godfrey 2004 0001 – 0245,
17 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
18 0001 – 0111.

19 **RFA 13:**

20 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
21 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
22 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
23 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
24 telephone numbers of these individuals other than Defendant's business address.

25 (d) Documents produced by Defendant bate stamp #s: Godfrey 2004 0001 – 0245,
26 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
27 0001 – 0111.

28 **RFA 14:**

1 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
2 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
3 knowledge at this time, William Aboudi, Jovi Aboudi and Beth would have knowledge of facts
4 pertaining to this statement. Plaintiff has no knowledge of the addresses and telephone numbers of
5 these individuals other than Defendant's business address.

6 (d) Documents produced by Defendant baste stamp #: Godfrey 2004 0001 – 0245,
7 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
8 0001 – 0111.

9 **RFA 15:**

10 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
11 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
12 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
13 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
14 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
15 personal knowledge of whether other employees employed by Defendant during the statutory
16 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
17 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
18 during the statutory period; Defendant would be more likely to have this information.

19 (d) Documents produced by Defendant baste stamp #: OPS 00001 – 00280, Godfrey
20 2004 0001 – 0245, Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 –
21 0557, Godfrey 2008 0001 – 0111.

22 **RFA 16:**

23 (c) As this did not occur, there are no persons with knowledge of these facts.

24 (d) Plaintiff knows of no responsive documents in her possession, custody and/or
25 control.

26 **RFA 17:**

27 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
28 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal

1 knowledge at this time, William Aboudi, Trina, and Cynthia, would have knowledge of facts
2 pertaining to this statement. Plaintiff has no knowledge of the addresses and telephone numbers of
3 these individuals other than Defendant's business address.

4 (d) Documents produced by Defendant bate stamp #: OPS 00001 – 00280, Godfrey
5 2004 0001 – 0245, Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 –
6 0557, Godfrey 2008 0001 – 0111.

7 **RFA 18:**

8 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
9 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
10 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
11 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
12 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
13 personal knowledge of whether other employees employed by Defendant during the statutory
14 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
15 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
16 during the statutory period; Defendant would be more likely to have this information.

17 (d) Documents produced by Defendant bate stamp #: OPS 00001 – 00280, Godfrey
18 2004 0001 – 0245, Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 –
19 0557, Godfrey 2008 0001 – 0111.

20 **FORM INTERROGATORY 50.1:**

21 For each agreement alleged in the pleadings:

22 (a) identify each DOCUMENT that is part of the agreement and for each state the
23 name, ADDRESS, and telephone number of each PERSON who has the DOCUMENT;

24 (b) state each part of the agreement not in writing, the name, ADDRESS, and telephone
25 number of each PERSON agreeing to that provision, and the date that part of the agreement was
26 made;

27 (c) identify all DOCUMENTS that evidence any part of the agreement not in writing
28 and for each state the name, ADDRESS, and telephone number of each PERSON who has the

1 DOCUMENTS;

2 (d) identify all DOCUMENTS that are part of any modification to the agreement, and
3 for each state the name, ADDRESS, and telephone number of each PERSON who has the
4 DOCUMENT;

5 (e) state each modification not in writing, the date, and the name, ADDRESS, and
6 telephone number of each PERSON agreeing to the modification, and the date the modification
7 was made;

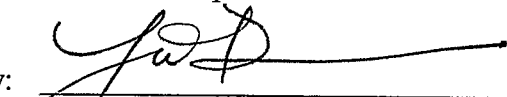
8 (f) identify all DOCUMENTS that evidence any modification of the agreement not I
9 writing and for reach state the name, ADDRESS, and telephone number of each PERSON who has
10 the DOCUMENT.

11 **RESPONSE:**

12 Defendant's facility is located within the Port area of the Port of Oakland. Plaintiff has no
13 lease or other such document explaining the relationship between Defendant and the Port of
14 Oakland because Defendant has failed to produce any such documents. Defendant has also failed
15 to produce any response that would explain this relationship. It is Plaintiff's position that
16 Defendant holds a lease with the Port of Oakland or with another entity that holds a lease with the
17 Port of Oakland. At this time, Plaintiff knows of no other documents that would be responsive to
18 this interrogatory.

19 Dated: January 5, 2010

20 WEINBERG, ROGER & ROSENFELD
21 A Professional Corporation

22 By: 

23 DAVID A. ROSENFELD
24 CAREN P. SENCER
25 LISL R. DUNCAN
26 Attorneys for Plaintiffs

27 118212/555855

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VERIFICATION

I am a PLAINTIFF, in the above-entitled action. I have read the foregoing PLAINTIFF
LAVON GODFREY'S SUPPLEMENTAL RESPONSES TO DEFENDANT'S FORM
INTERROGATORIES - GENERAL, SET ONE on file herein and know its contents. I am
informed and believe that the matters stated therein are true and on that ground certify or declare
under penalty of perjury under the laws of the State of California that the same are true and correct.

Executed at _____, California on the 10 day of January, 2010.


LAVON GODFREY

PROOF OF SERVICE
(CCP 1013)

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On January 5, 2010, I served upon the following parties in this action:

Via Mail:

Michael A. Broad
166 Santa Clara Ave
Oakland, CA 94610

Via E-mail:

Jay Ian Aboudi
General Counsel
Oakland Port Services Corporation
11 Burma Road
Oakland, CA 94607
Email: jay@abtruck.com

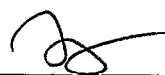
copies of the document(s) described as:

**PLAINTIFF LAVON GODFREY'S SUPPLEMENTAL RESPONSES TO
DEFENDANT'S FORM INTERROGATORIES - GENERAL, SET ONE**

BY MAIL I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

BY E-MAIL I caused to be transmitted each document listed herein via the e-mail address(es) listed above or on the attached service list.

I certify under penalty of perjury that the above is true and correct. Executed at Alameda, California, on January 5, 2010.



Joanna Son

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
6 1001 Marina Village Parkway, Suite 200
7 Alameda, California 94501-1091
8 Telephone 510.337.1001
9 Fax 510.337.1023
10
11 Attorneys for Plaintiffs
12 LAVON GODFREY and GARY GILBERT
13
14

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF ALAMEDA
10

11 LAVON GODFREY and GARY GILBERT, on) Case No. RG 08-379099
12 behalf of themselves and all others similarly)
13 situated,) **PLAINTIFF GARY GILBERT'S**
14) **SUPPLEMENTAL RESPONSES TO**
15) **DEFENDANT'S FORM**
16) **INTERROGATORIES - GENERAL,**
17) **SET ONE**
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13 Plaintiffs,
14 v.
15 OAKLAND PORT SERVICES CORP. d/b/a
16 AB TRUCKING, and DOES 1 through 20,
17 inclusive,
18 Defendants.

18 PROPOUNDING PARTY: Defendant OAKLAND PORT SERVICES CORPORATION
19
20 RESPONDING PARTY: Plaintiff GARY GILBERT
21
22 SET: One

22 Pursuant to Code of Civil Procedure § 2030, Plaintiff Gary Gilbert provides the following
23 supplemental responses to Defendant's Form Interrogatories - General, Set One as follows:

24 **GENERAL OBJECTIONS**

25 The following responses are made solely for purposes of this action. These supplemental
26 responses are based upon information presently available to Plaintiff, and no incidental or implied
27 admissions are intended hereby.

28 Plaintiff objects to the form interrogatories general set one, to the extent that they seek

1 information not presently in the possession of Plaintiff due to the fact that Plaintiff has not yet
2 completed her investigation of the facts related to this case, or completed discovery, or preparation
3 for trial. Plaintiff's investigation, discovery, and trial preparation are continuing, and may produce
4 information relevant to these interrogatories. The following responses are given without prejudice
5 to Plaintiff's right to produce any evidence subsequently discovered.

6 Plaintiff generally objects to these discovery requests as seeking information more readily
7 available to Defendants from other sources and/or already in possession of the propounding
8 Defendants, and as seeking information protected by the attorney-client privilege and work
9 product.

10 Subject to these general objections and without waiving any previously asserted objections,
11 Plaintiff provides the following supplemental responses:

12 **INTERROGATORIES**

13 **FORM INTERROGATORY NO. 17.1:**

14 Is your response to each request for admission served with these interrogatories an
15 unqualified admission? If not, for each response that is not an unqualified admission:

- 16 (a) state the number of the request;
- 17 (b) state all facts upon which you base your response;
- 18 (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have
19 knowledge of those facts;
- 20 (d) identify all DOCUMENTS and other tangible things that support your response and
21 state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or
22 thing.

23 **RESPONSE:**

24 **RFA 1:**

25 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
26 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
27 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
28 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and

1 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
2 personal knowledge of whether other employees employed by Defendant during the statutory
3 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
4 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
5 during the statutory period; Defendant would be more likely to have this information.

6 (d) Documents produced by Defendant bate stamp #s: Godfrey 2004 0001 – 0245,
7 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
8 0001 – 0111.

9 **RFA 2:**

10 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
11 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
12 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
13 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
14 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
15 personal knowledge of whether other employees employed by Defendant during the statutory
16 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
17 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
18 during the statutory period; Defendant would be more likely to have this information.

19 (d) Plaintiff knows of no documents responsive to this request in his possession,
20 custody and/or control.

21 **RFA 3:**

22 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
23 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
24 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
25 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
26 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
27 personal knowledge of whether other employees employed by Defendant during the statutory
28 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no

1 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
2 during the statutory period; Defendant would be more likely to have this information.

3 (d) Plaintiff knows of no documents responsive to this request in his possession,
4 custody and/or control.

5 **RFA 4:**

6 (c) This interrogatory asks for what Plaintiff "understood." There are no persons who
7 would have personal knowledge of this other than Plaintiff.

8 (d) Plaintiff knows of no documents responsive to this request in his possession,
9 custody and/or control.

10 **RFA 5:**

11 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
12 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
13 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
14 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
15 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
16 personal knowledge of whether other employees employed by Defendant during the statutory
17 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
18 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
19 during the statutory period; Defendant would be more likely to have this information.

20 (d) Plaintiff knows of no documents responsive to this request in his possession,
21 custody and/or control.

22 **RFA 6:**

23 (c) As Plaintiff's response was a denial of this statement, it is not possible to identify
24 persons with knowledge of the absence of this fact.

25 (d) Plaintiff knows of no documents responsive to this request in his possession,
26 custody and/or control.

27 **RFA 7:**

28 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify

1 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
2 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
3 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
4 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
5 personal knowledge of whether other employees employed by Defendant during the statutory
6 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
7 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
8 during the statutory period; Defendant would be more likely to have this information.

9 (d) Documents produced by Defendant bates stamp #: Godfrey 2004 0001 – 0245,
10 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
11 0001 – 0111.

12 **RFA 9:**

13 (c) As Plaintiff's response was a denial of this statement, it is not possible to identify
14 persons with knowledge of the absence of this fact.

15 (d) Plaintiff knows of no documents responsive to this request in his possession,
16 custody and/or control.

17 **RFA 10:**

18 (c) Plaintiff knows of no persons who would have personal knowledge of this other
19 than Plaintiff.

20 (d) Plaintiff knows of no documents responsive to this request in his possession,
21 custody and/or control.

22 **RFA 12:**

23 (c) Plaintiff knows of no persons who would have personal knowledge of this other
24 than Plaintiff.

25 (d) Plaintiff knows of no documents responsive to this request in his possession,
26 custody and/or control other than Exhibit A.

27 **RFA 13:**

28 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify

1 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
2 knowledge at this time, William Aboudi, Trina, Cynthia, and the employee drivers who were
3 responsible for his training at AB Trucking. William Aboudi, Trina and Cynthia have knowledge
4 of which drivers trained Plaintiff.

5 (d) Plaintiff knows of no documents responsive to this request in his possession,
6 custody and/or control.

7 **RFA 14:**

8 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
9 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
10 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
11 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
12 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
13 personal knowledge of whether other employees employed by Defendant during the statutory
14 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
15 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
16 during the statutory period; Defendant would be more likely to have this information.

17 (d) Documents produced by Defendant bate stamp #s: OPS 00001 – 00280, Godfrey
18 2004 0001 – 0245, Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 –
19 0557, Godfrey 2008 0001 – 0111.

20 Dated: January 5, 2010

21 WEINBERG, ROGER & ROSENFELD
22 A Professional Corporation

23 By: 

24 DAVID A. ROSENFELD
25 CAREN P. SENCER
26 LISL R. DUNCAN
27 Attorneys for Plaintiffs

28 118212/555961

VERIFICATION

I am a PLAINTIFF, in the above-entitled action. I have read the foregoing PLAINTIFF
GARY GILBERT'S SUPPLEMENTAL RESPONSES TO DEFENDANT'S FORM
INTERROGATORIES - GENERAL, SET ONE on file herein and know its contents. I am
informed and believe that the matters stated therein are true and on that ground certify or declare
under penalty of perjury under the laws of the State of California that the same are true and correct.

Executed at ALAMEDA, California on the 17 day of January, 2010.



GARY GILBERT

PROOF OF SERVICE
(CCP 1013)

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On January 5, 2010, I served upon the following parties in this action:

Via Mail:

Via E-mail:

Michael A. Broad
166 Santa Clara Ave
Oakland, CA 94610

Jay Ian Aboudi
General Counsel
Oakland Port Services Corporation
11 Burma Road
Oakland, CA 94607
Email: jay@abtruck.com

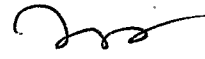
copies of the document(s) described as:

**PLAINTIFF GARY GILBERT'S SUPPLEMENTAL RESPONSES TO
DEFENDANT'S FORM INTERROGATORIES - GENERAL, SET ONE**

BY MAIL I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

BY E-MAIL I caused to be transmitted each document listed herein via the e-mail address(es) listed above or on the attached service list.

I certify under penalty of perjury that the above is true and correct. Executed at Alameda, California, on January 5, 2010.



Joanna Son

①

1 DAVID A. ROSENFELD, Bar No. 058163
CAREN P. SENCER, Bar No. 233488
2 LISL R. DUNCAN, Bar No. 261875
WEINBERG, ROGER & ROSENFELD
3 A Professional Corporation
1001 Marina Village Parkway, Suite 200
4 Alameda, California 94501-1091
Telephone 510.337.1001
5 Fax 510.337.1023

6 Attorneys for Plaintiffs
LAVON GODFREY and GARY GILBERT
7

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

11 LAVON GODFREY and GARY GILBERT, on) Case No. RG 08-379099
behalf of themselves and all others similarly)
12 situated,) **PLAINTIFF LAVON GODFREY'S**
) **SUPPLEMENTAL RESPONSES TO**
13 Plaintiffs,) **DEFENDANT'S FORM**
) **INTERROGATORIES -**
14 v.) **EMPLOYMENT, SET ONE**
)
15 OAKLAND PORT SERVICES CORP. d/b/a)
AB TRUCKING, and DOES 1 through 20,)
16 inclusive,)
17 Defendants.)

18 PROPOUNDING PARTY: Defendant OAKLAND PORT SERVICES CORPORATION
19
20 RESPONDING PARTY: Plaintiff LAVON GODFREY
21
22 SET: One

22 Pursuant to Code of Civil Procedure § 2030, Plaintiff Lavon Godfrey provides the
23 following supplemental responses to Defendant's Form Interrogatories - Employment, Set One as
24 follows:

25 **GENERAL OBJECTIONS**

26 The following responses are made solely for purposes of this action. These supplemental
27 responses are based upon information presently available to Plaintiff, and no incidental or implied
28 admissions are intended hereby.

1 Plaintiff objects to the form interrogatories employment set one, to the extent that they seek
2 information not presently in the possession of Plaintiff due to the fact that Plaintiff has not yet
3 completed her investigation of the facts related to this case, or completed discovery, or preparation
4 for trial. Plaintiff's investigation, discovery, and trial preparation are continuing, and may produce
5 information relevant to these interrogatories. The following responses are given without prejudice
6 to Plaintiff's right to produce any evidence subsequently discovered.

7 Plaintiff generally objects to these discovery requests as seeking information more readily
8 available to Defendants from other sources and/or already in possession of the propounding
9 Defendants, and as seeking information protected by the attorney-client privilege and work
10 product.

11 Subject to these general objections and without waiving any previously asserted objections,
12 Plaintiff provides the following supplemental responses:

13 **INTERROGATORIES**

14 **FORM INTERROGATORY 207.2**

15 Did the EMPLOYEE complain to the EMPLOYER about any of the unlawful conduct
16 alleged in the PLEADINGS? If so, for each complaint;

- 17 a) state the date of the complaint;
- 18 b) state the nature of the complaint;
- 19 c) state the name and ADDRESS of each PERSON to who the complaint was made;
- 20 d) state the name, ADDRESS, telephone number, and job title of each PERSON who
21 investigated the complaint;
- 22 e) state the name, ADDRESS, telephone number, and job title of each PERSON who
23 participated in making decisions about how to conduct the investigation.

24 **RESPONSE TO FORM INTERROGATORY NO. 207.2:**

25 Plaintiff responds as follows: Yes. Plaintiff testified as to making such complaints to AB
26 Trucking management in her deposition taken on June 24, 2009. Discovery is continuing and
27 Plaintiff reserves the right to supplement her response at a later date.

28 //

1 SUPPLEMENTAL RESPONSE TO FORM INTERROGATORY NO. 207.2:

2 Plaintiff objects on the ground that whether or not she made complaints to her employer is
3 irrelevant to the merit of the claims set forth in her complaint. Subject to and without waiving the
4 above objections, Plaintiff responds as follows: Yes. Plaintiff specifically remembers complaining
5 to William Aboudi, representative of the EMPLOYER.

6 a) In the middle portion of Plaintiff's employment with AB Trucking, or
7 approximately March 2007.

8 b) Plaintiff complained that 15 minutes had been deducted from her timecard.

9 c) William Aboudi. 11 Burma Road, Oakland, CA 94607.

10 d) To Plaintiff's knowledge no investigation outside of the conversation with William
11 Aboudi was conducted.

12 e) Plaintiff has no knowledge of any investigation being conducted.

13 Discovery is continuing and Plaintiff reserves the right to supplement her response at a later
14 date.

15 Dated: February 16, 2010

16 WEINBERG, ROGER & ROSENFELD
17 A Professional Corporation

18 By: 

19 DAVID A. ROSENFELD
20 CAREN P. SENCER
21 LISL R. DUNCAN
22 Attorneys for Plaintiffs

23 118212/561415

VERIFICATION TO FOLLOW

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PROOF OF SERVICE
(CCP 1013)

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On February 16, 2010, I served upon the following parties in this action:

Via Mail:

Michael A. Broad
166 Santa Clara Ave
Oakland, CA 94610

Via E-mail:

Jay Ian Aboudi
General Counsel
Oakland Port Services Corporation
11 Burma Road
Oakland, CA 94607
Email: jay@abtruck.com

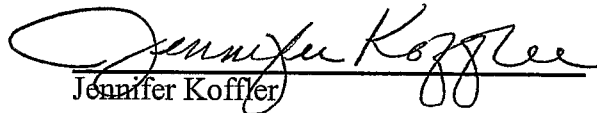
copies of the document(s) described as:

**PLAINTIFF LAVON GODFREY'S SUPPLEMENTAL RESPONSES TO
DEFENDANT'S FORM INTERROGATORIES - GENERAL, SET ONE**

BY MAIL I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

BY E-MAIL I caused to be transmitted each document listed herein via the e-mail address(es) listed above or on the attached service list.

I certify under penalty of perjury that the above is true and correct. Executed at Alameda, California, on February 16, 2010.


Jennifer Koffler

1 DAVID A. ROSENFELD, Bar No. 058163
CAREN P. SENCER, Bar No. 233488
2 LISL R. DUNCAN, Bar No. 261875
WEINBERG, ROGER & ROSENFELD
3 A Professional Corporation
1001 Marina Village Parkway, Suite 200
4 Alameda, California 94501-1091
Telephone 510.337.1001
5 Fax 510.337.1023

6 Attorneys for Plaintiffs
LAVON GODFREY and GARY GILBERT
7

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF ALAMEDA
10

11 LAVON GODFREY and GARY GILBERT, on) Case No. RG 08-379099
behalf of themselves and all others similarly)
12 situated,) **PLAINTIFF GARY GILBERT'S**
) **SUPPLEMENTAL RESPONSES TO**
13 Plaintiffs,) **DEFENDANT'S FORM**
) **INTERROGATORIES - GENERAL,**
14 v.) **SET ONE**
)
15 OAKLAND PORT SERVICES CORP. d/b/a)
AB TRUCKING, and DOES 1 through 20,)
16 inclusive,)
)
17 Defendants.)

18 **PROPOUNDING PARTY:** Defendant OAKLAND PORT SERVICES
CORPORATION
19
20 **RESPONDING PARTY:** Plaintiff GARY GILBERT
21
22 **SET:** One

23 Pursuant to Code of Civil Procedure § 2030, Plaintiff Gary Gilbert provides the following
24 supplemental responses to Defendant's Form Interrogatories - General, Set One as follows:

25 **GENERAL OBJECTIONS**

26 The following responses are made solely for purposes of this action. These supplemental
27 responses are based upon information presently available to Plaintiff, and no incidental or implied
admissions are intended hereby.

28 Plaintiff objects to the form interrogatories general set one, to the extent that they seek

1 information not presently in the possession of Plaintiff due to the fact that Plaintiff has not yet
2 completed her investigation of the facts related to this case, or completed discovery, or preparation
3 for trial. Plaintiff's investigation, discovery, and trial preparation are continuing, and may produce
4 information relevant to these interrogatories. The following responses are given without prejudice
5 to Plaintiff's right to produce any evidence subsequently discovered.

6 Plaintiff generally objects to these discovery requests as seeking information more readily
7 available to Defendants from other sources and/or already in possession of the propounding
8 Defendants, and as seeking information protected by the attorney-client privilege and work
9 product.

10 Subject to these general objections and without waiving any previously asserted objections,
11 Plaintiff provides the following supplemental responses:

12 **INTERROGATORIES**

13 **FORM INTERROGATORY NO. 2.11:**

14 At the time of the INCIDENT were you acting as an agent or employee for any PERSON? If
15 so, state:

16 (a) the name, ADDRESS, and telephone number of that PERSON: and

17 (b) a description of your duties.

18 **RESPONSE TO FORM INTERROGATORY NO. 2.11:**

19 Plaintiff incorporates his General Objections as though set forth fully herein. Plaintiff
20 objects to this Interrogatory on the ground that it seeks information not relevant to the instant
21 action, nor reasonably likely to lead to the discovery of admissible evidence. Plaintiff objects to
22 this request on the ground that it is unduly overbroad, burdensome, and oppressive, and that the
23 information is discoverable through less burdensome means in that Defendants already possess this
24 information in their own records. Plaintiff objects to this request in that it seeks information more
25 readily available to Defendant. Plaintiff objects to this request on the ground that the request seeks
26 information protected by the right of privacy. Plaintiff objects to this request in that it serves no
27 purpose other than vex, harass and annoy Plaintiff, and is propounded for no other purpose other
28 than to waste Plaintiff's time in an effort to obfuscate the discovery process. Plaintiff objects on

1 the basis that the question is oppressive and burdensome. Subject to and without waiving the
2 foregoing objections Plaintiff responds as follows: Yes. Plaintiff was acting as an agent or
3 employee of AB Trucking.

4 **SUPPLEMENTAL RESPONSE TO FORM INTERROGATORY NO. 2.11:**

5 Plaintiff incorporates his General Objections as though set forth fully herein. Plaintiff
6 objects to this Interrogatory on the ground that it seeks information not relevant to the instant
7 action, nor reasonably likely to lead to the discovery of admissible evidence. Plaintiff objects to
8 this request on the ground that it is unduly overbroad, burdensome, and oppressive, and that the
9 information is discoverable through less burdensome means in that Defendants already possess this
10 information in their own records. Plaintiff objects to this request in that it seeks information more
11 readily available to Defendant. Plaintiff objects to this request on the ground that the request seeks
12 information protected by the right of privacy. Plaintiff objects to this request in that it serves no
13 purpose other than vex, harass and annoy Plaintiff, and is propounded for no other purpose other
14 than to waste Plaintiff's time in an effort to obfuscate the discovery process. Plaintiff objects on
15 the basis that the question is oppressive and burdensome. Subject to and without waiving the
16 foregoing objections Plaintiff responds as follows: Yes.

17 (a) Plaintiff was acting as an agent or employee of AB Trucking.

18 (b) Plaintiff Gilbert's job duties while employed by AB Trucking included training in
19 the operation of trucks and/or operating trucks for the purpose of conveying property from one
20 place to another and all operations and services in connection therewith; including assisting in
21 driving trucks and/or driving trucks to be loaded and unloaded within the Port of Oakland and/or
22 throughout California.

23 **FORM INTERROGATORY NO. 12.1:**

24 State the name, ADDRESS, and telephone number of each individual:

- 25 (a) who witnessed the INCIDENT or the events occurring immediately before or after
26 the INCIDENT;
- 27 (b) who made any statement at the scene of the INCIDENT;
- 28 (c) who heard any statements made about the INCIDENT by any individual at the

1 scene.

2 **RESPONSE TO FORM INTERROGATORY NO. 12.1:**

3 Plaintiff incorporates his General Objections as though set forth fully herein. Plaintiff
4 objects to this request on the ground that it is unduly overbroad, burdensome, and oppressive.
5 Plaintiff objects to this request in that it serves no purpose other than vex, harass and annoy
6 Plaintiff. Subject to and without waiving the above objections, Plaintiff hereby responds as
7 follows: Interrogatory is indecipherable in the context of this case. Plaintiff objects to this
8 interrogatory on the grounds it is vague and ambiguous in its reference to "the INCIDENT." In
9 responding to this interrogatory, Plaintiff understands INCIDENT to mean the violations of law
10 alleged in the first amended complaint during Plaintiff's employment with A.B. Trucking. Based
11 on this understanding, the individuals with whom Plaintiff worked and supervisory personnel were
12 aware of the violations. Plaintiff believes all AB Trucking management may have information
13 regarding the violations alleged in the complaint. Discovery is continuing and Plaintiff reserves
14 the right to supplement her response at a later date.

15 **SUPPLEMENTAL RESPONSE TO FORM INTERROGATORY NO. 12.1:**

16 Plaintiff incorporates his General Objections as though set forth fully herein. Plaintiff
17 objects to this request on the ground that it is unduly overbroad, burdensome, and oppressive.
18 Plaintiff objects to this request in that it serves no purpose other than vex, harass and annoy
19 Plaintiff. Subject to and without waiving the above objections, Plaintiff hereby responds as
20 follows: Interrogatory is indecipherable in the context of this case. Plaintiff objects to this
21 interrogatory on the grounds it is vague and ambiguous in its reference to "the INCIDENT." In
22 responding to this interrogatory, Plaintiff understands INCIDENT to mean the violations of law
23 alleged in the first amended complaint during Plaintiff's employment with A.B. Trucking. Based
24 on this understanding, the individuals with whom Plaintiff worked and supervisory personnel were
25 aware of the violations. Plaintiff believes all AB Trucking management may have information
26 regarding the violations alleged in the complaint. Discovery is continuing and Plaintiff reserves
27 the right to supplement her response at a later date. Subject to and without waiving the above
28 objections, Plaintiff hereby responds as follows:

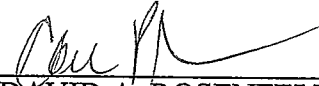
1 a) Person known as "Carlos"; person known as "Mark"; person known as "Eric". AB
2 Trucking management: person known as "Trina"; person known as "Cynthia"; person known as
3 "Beth"; Jovi Aboudi; William Aboudi. Additional information may be available as discovery
4 progresses.

5 b) Person known as "Carlos". AB Trucking management: person known as "Trina";
6 person known as "Cynthia"; person known as "Beth"; Jovi Aboudi; William Aboudi. Additional
7 information may be available as discovery progresses.

8 c) Person known as "Carlos". AB Trucking management: person known as "Trina";
9 person known as "Cynthia"; person known as "Beth"; Jovi Aboudi; William Aboudi. Additional
10 information may be available as discovery progresses.

11 Dated: February 16, 2010

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

14 By: 
15 DAVID A. ROSENFELD
16 CAREN P. SENCER
17 LISL R. DUNCAN
18 Attorneys for Plaintiffs

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VERIFICATION

I am a PLAINTIFF, in the above-entitled action. I have read the foregoing PLAINTIFF
GARY GILBERT'S SUPPLEMENTAL RESPONSES TO DEFENDANT'S FORM
INTERROGATORIES - GENERAL, SET ONE on file herein and know its contents. I am
informed and believe that the matters stated therein are true and on that ground certify or declare
under penalty of perjury under the laws of the State of California that the same are true and correct.

Executed at OAKLAND, California on the 16 day of February, 2010.



GARY GILBERT

PROOF OF SERVICE
(CCP 1013)

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I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On February 16, 2010, I served upon the following parties in this action:

Via Mail:

Michael A. Broad
166 Santa Clara Ave
Oakland, CA 94610

Via E-mail:

Jay Ian Aboudi
General Counsel
Oakland Port Services Corporation
11 Burma Road
Oakland, CA 94607
Email: jay@abtruck.com

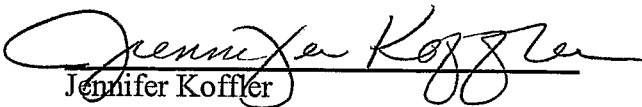
copies of the document(s) described as:

**PLAINTIFF GARY GILBERT'S SUPPLEMENTAL RESPONSES TO
DEFENDANT'S FORM INTERROGATORIES - GENERAL, SET ONE**

BY MAIL I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

BY E-MAIL I caused to be transmitted each document listed herein via the e-mail address(es) listed above or on the attached service list.

I certify under penalty of perjury that the above is true and correct. Executed at Alameda, California, on February 16, 2010.


Jennifer Koffler

PROOF OF SERVICE
(CCP 1013)

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On June 10, 2010, I served upon the following parties in this action:

Jay Ian Aboudi
The Law Office of Jay Ian Aboudi
1855 Olympic Blvd., Ste. 210
Walnut Creek, CA 94596

copies of the document(s) described as:

SUPPLEMENTAL DECLARATION OF LISL R. DUNCAN IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

BY MAIL I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

BY OVERNIGHT DELIVERY SERVICE I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and placed the same for collection by Overnight Delivery Service by following the ordinary business practices of Weinberg, Roger & Rosenfeld, Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of Overnight Delivery Service correspondence, said practice being that in the ordinary course of business, Overnight Delivery Service correspondence is deposited at the Overnight Delivery Service offices for next day delivery the same day as Overnight Delivery Service correspondence is placed for collection.

BY E-MAIL I caused to be transmitted each document listed herein via the e-mail address(es) listed above or on the attached service list.

I certify under penalty of perjury that the above is true and correct. Executed at Alameda, California, on June 10, 2010.


Jennifer Koffler

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