

AEB



<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Michael D. Bruno (SBN: 152314) Jon C. Yonemitsu (SBN: 199026) Gordon & Rees LLP 275 Battery Street, Suite 2000, San Francisco, CA 94111 TELEPHONE NO.: 415/986-5900 FAX NO. (Optional): 415/986-8054 E-MAIL ADDRESS (Optional): Attorneys for Defendant Oakland Port Services Corp., d/b/a ATTORNEY FOR (Name): d/b/a AB Trucking</p>	<p>FOR COURT USE ONLY</p> <p>FILED ALAMEDA COUNTY</p> <p>JUL 9 2008</p> <p>CLERK OF THE SUPERIOR COURT By <u>Esther Cal</u> Deputy</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda</p> <p>STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME:</p>	
<p>PLAINTIFF/PETITIONER: LAVON GODFREY, et al. DEFENDANT/RESPONDENT: AB TRUCKING, INC., et al.</p>	
<p>CASE MANAGEMENT STATEMENT</p> <p>(Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)</p>	<p>CASE NUMBER: RG 08-379099</p>
<p>A CASE MANAGEMENT CONFERENCE is scheduled as follows:</p> <p>Date: August 13, 2008 Time: 3:15 p.m. Dept.: 24 Div.: Room:</p> <p>Address of court (if different from the address above):</p>	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

- Party or parties (answer one):
 - This statement is submitted by party (name): Def. Oakland Port Services Corp., d/b/a AB Trucking
 - This statement is submitted jointly by parties (names):
- Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)
 - The complaint was filed on (date):
 - The cross-complaint, if any, was filed on (date):
- Service (to be answered by plaintiffs and cross-complainants only)
 - All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
 - The following parties named in the complaint or cross-complaint
 - have not been served (specify names and explain why not):
 - have been served but have not appeared and have not been dismissed (specify names):
 - have had a default entered against them (specify names):
 - The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):
- Description of case
 - Type of case in complaint cross-complaint (describe, including causes of action):
Wage and hour class action.

BY FAX

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PLAINTIFF/PETITIONER: Lavon Godfrey

CASE NUMBER:
RG 08-379099

DEFENDANT/RESPONDENT: AB Trucking, Inc., et al.

4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*
This is a puntative class action where plaintiff claims multiple wage and hour Labor Code and related statutory violations. Defendant is a small operation transportation services company and disputes plaintiff can certify this matter as a class action, as well as underlying liability for the alleged violations.

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request a jury trial a nonjury trial *(if more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

- a. The trial has been set for *(date)*:
b. No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*:
c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:
August 19-21; October 6, 21-24; December 5 -20, 2008 through January 3, March 2-4, April 6-10, May 4-8, June 8-12, June 29 through July 20, 2009.

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one)*:

- a. days *(specify number)*:
b. hours (short causes) *(specify)*:

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial by the attorney or party listed in the caption by the following:

- a. Attorney:
b. Firm:
c. Address:
d. Telephone number:
e. Fax number:
f. E-mail address:
g. Party represented:

Additional representation is described in Attachment 8.

9. **Preference**

This case is entitled to preference *(specify code section)*:

10. **Alternative Dispute Resolution (ADR)**

- a. Counsel has has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.
b. All parties have agreed to a form of ADR. ADR will be completed by *(date)*:
c. The case has gone to an ADR process *(indicate status)*:

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10. d. The party or parties are willing to participate in (check all that apply):

- (1) Mediation
- (2) Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)
- (3) Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)
- (4) Binding judicial arbitration
- (5) Binding private arbitration
- (6) Neutral case evaluation
- (7) Other (specify): Defendant will consider alternative resolution methods upon the completion of sufficient discovery and upon discussion with plaintiff's counsel.

- e. This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.
- f. Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
- g. This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference

- The party or parties are willing to participate in an early settlement conference (specify when):
See Section 10(d) above.

12. Insurance

- a. Insurance carrier, if any, for party filing this statement (name):
- b. Reservation of rights: Yes No
- c. Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

- Bankruptcy Other (specify):

Status:

14. Related cases, consolidation, and coordination

- a. There are companion, underlying, or related cases:
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- Additional cases are described in Attachment 14a
- b. A motion to consolidate coordinate will be filed by (name party):

15. Bifurcation

- The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

- The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):
Class certification motions and possible dispositive motions.

PLAINTIFF/PETITIONER: Lavon Godfrey	CASE NUMBER: RG 08-379099
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17. Discovery

- a. The party or parties have completed all discovery.
- b. The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Defendants (Pre-certification)	Written discovery to plaintiff;	August 2008
Defendants (Pre-certification)	Deposition of plaintiff;	Oct. 2008

- c. The following discovery issues are anticipated (*specify*):

18. Economic Litigation

- a. This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
- b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. Other issues

- The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

20. Meet and confer

- a. The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*): The undersigned requested on July 25, 2008 to meet and confer with plaintiff's counsel, but has yet to receive a response from counsel.
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

21. Case management orders

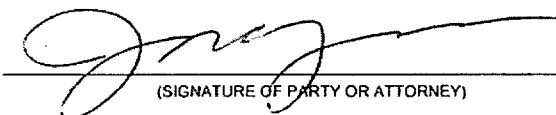
Previous case management orders in this case are (*check one*): none attached as Attachment 21.

22. Total number of pages attached (*if any*): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: July 29, 2008

Jon C. Yonemitsu _____
(TYPE OR PRINT NAME)

▶  _____
(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached

1 PROOF OF SERVICE

2 I am a resident of the State of California, over the age of eighteen years, and not a party
3 to the within action. My business address is: Gordon & Rees LLP 275 Battery Street, Suite
4 2000, San Francisco, CA 94111. On July 29, 2008, I served the within documents:

5 **CASE MANAGEMENT STATEMENT**

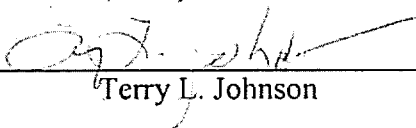
- 6 by transmitting via facsimile the document(s) listed above to the fax number(s) set
7 forth below on this date before 5:00 p.m.
- 8 by personally delivering the document(s) listed above to the person(s) at the
9 address(es) set forth below.
- 10 by placing the document(s) listed above in a sealed envelope with postage thereon
11 fully prepaid, in United States mail in the State of California at ; addressed as set forth
12 below.

13 David A. Rosenfeld, Esq.
 14 Caren P. Sencer
 15 Weinberg, Roger & Rosenfeld
 16 1001 Marina Village Parkway, Suite 200
 17 Alameda, California 94501
 18 Tel.: (510) 337-1001
 19 Fax: (510) 337-1023

20 I am readily familiar with the firm's practice of collection and processing correspondence
 21 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
 22 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
 23 motion of the party served, service is presumed invalid if postal cancellation date or postage
 24 meter date is more than one day after the date of deposit for mailing in affidavit.

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

27 Executed on July 29, 2008 at San Francisco, California.

28 

 Terry L. Johnson

Gordon & Rees LLP
 275 Battery Street, Suite 2000
 San Francisco, CA 94111