



FILED
ALAMEDA COUNTY

AUG 16 2010

CLERK OF THE SUPERIOR COURT

By [Signature]
Deputy

ORIGINAL

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2 CAREN P. SENCER, Bar No. 233488
3 LISL R. DUNCAN, Bar No. 261875
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10 Attorneys for Plaintiffs
11 LAVON GODFREY and GARY GILBERT

12 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 IN AND FOR THE COUNTY OF ALAMEDA

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

17 Plaintiffs,

18 v.

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

22 Defendants.

Case No. RG08379099

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

) Date: August 20, 2010

) Time: 10:00 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. Defendant indicates pages 57 and 58 of W. Aboudi's deposition were not attached
to my declaration. These pages were attached to my original declaration filed with Plaintiffs'
original motion. (See page 37 and 38 of the document on the Court's Register of Actions 12/15/09
"Motion for Class Certification filed for Plaintiff.") Additionally, page 58 is attached to the
supplemental declaration of Ms. Duncan filed on June 11, 2010. For the Court's convenience, true

FAXED
FIRST LEGAL SUPPORT SERVICES

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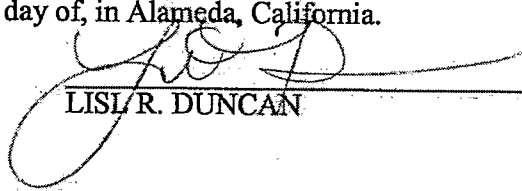
SUPPLEMENTAL DECLARATION OF LISL R. DUNCAN IN SUPPORT OF PLAINTIFFS' REPLY TO
DEFENDANTS' OPPOSITION TO MOTION FOR CLASS CERTIFICATION

CASE NO. RG08379099

1 and correct copies of pages 57 and 58 of W. Aboudi's deposition are attached herewith as Exhibit
2 A.

3 3. Defendant indicates that "Exhibit 16" is not supplied for the Court, but this is
4 incorrect. (Opp. at p. 13:23-14:10.) The exhibits referenced in Jovi Aboudi's deposition were the
5 same exhibits entered into evidence at William Aboudi's deposition, as Jovi Aboudi was a
6 supplemental person most knowledgeable identified at the deposition of the first person most
7 knowledgeable provided by Defendant (W. Aboudi). As a result, Exhibit 16 was attached to
8 Exhibit B (W. Aboudi's depo), and not to Exhibit C (J. Aboudi's deposition). Exhibit 16 (1 page)
9 to W. Aboudi's deposition is attached to the Declaration of Ms. Duncan filed July 19, 2010, though
10 it was inadvertently placed out of order, in between Exhibits 2 and 3. For the Court's convenience,
11 a true and correct copy of Exhibit 16 to the Deposition of W. Aboudi (referenced by J. Aboudi) is
12 attached herewith as Exhibit B.

13 I declare under penalty of perjury that the foregoing is true and correct from my own
14 personal knowledge. Executed this 16 day of, in Alameda, California.

15 
16 _____
LISL R. DUNCAN

17 118212/584909

Exhibit A

Exhibit A

1 the drivers?

2 A. Nothing that we produce, no.

3 Q. Is there something that is provided to the
4 drivers that is produced by someone else?

5 A. Yes.

6 Q. What?

7 A. We give them a JJ Keller drivers' book, DOT
8 regulations.

9 Q. The DOT regulations are in the JJ Keller
10 drivers' book?

11 A. JJ Keller is a brand.

12 Q. Does the company provide the drivers with any
13 work rules other than the DOT regulations?

14 MR. BROAD: When you say "provide the driver,"
15 you mean in written form?

16 MS. SENCER: Yeah.

17 THE WITNESS: No.

18 MS. SENCER: Q. Is there a new-driver
19 orientation?

20 A. Yes.

21 Q. Who leads that orientation?

22 A. Myself.

23 Q. What are the topics covered at the
24 orientation?

25 A. Everything. Everything you can think 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?

Exhibit B

Exhibit B

AB TRUCKING

WEEKLY TIME SHEET

WEEK OF 11/29/07 TO 11/9/07

NAME	MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		TOTAL THIS WEEK	TOTAL LAST WEEK	TOTAL
	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT			

Sample	8:00	5:00	8:00	5:00	8:00	5:00	8:00	5:00	8:00	5:00			
	:	:	:	:	:	:	:	:	:	:			
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NOTES (PLEASE WRITE YOUR NAME): * NO CATCHES



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 August 16, 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' REPLY TO DEFENDANTS' OPPOSITION TO 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 August 16, 2010.


Jennifer Koffler

118212/555975