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**FILED**  
**ALAMEDA COUNTY**

**NOV 10 2011**

CLERK OF THE SUPERIOR COURT  
By [Signature] Deputy

5 Attorney for Defendant  
6 OAKLAND PORT SERVICES CORPORATION  
7 d/b/a AB TRUCKING (erroneously sued as AB  
8 TRUCKING, INC.)

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

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

12 Plaintiffs,

13 v.

14 OAKLAND PORT SERVICES  
15 CORPORATION d/b/a AB TRUCKING, and  
16 DOES 1 through 20, inclusive,

17 Defendants.

CASE NO. RG 08-379099

**EX PARTE APPLICATION FOR AN  
ORDER TO CONTINUE TRIAL ON  
BEHALF OF DEFENDANT OAKLAND  
PORT SERVICES CORPORATION  
d/b/a AB TRUCKING**

Date: November 10, 2011  
Time: 3:00 p.m.  
Place: Department 20  
Judge: Hon. Robert Freedman

Trial Date: November 29, 2011

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19 **TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF**  
20 **RECORD:**

21 OAKLAND PORT SERVICES CORPORATION d/b/a AB TRUCKING, a California  
22 Corporation, (collectively hereinafter referred to as "AB Trucking" or "Defendant") hereby  
23 applies ex parte for an Order of this Court to continue the trial date from November 29, 2011 to  
24 spring 2012 (a continuance of 90-120 days). Good cause exists to grant Defendants application  
25 for an Order to continue the trial date from November 29, 2011 on the following grounds:

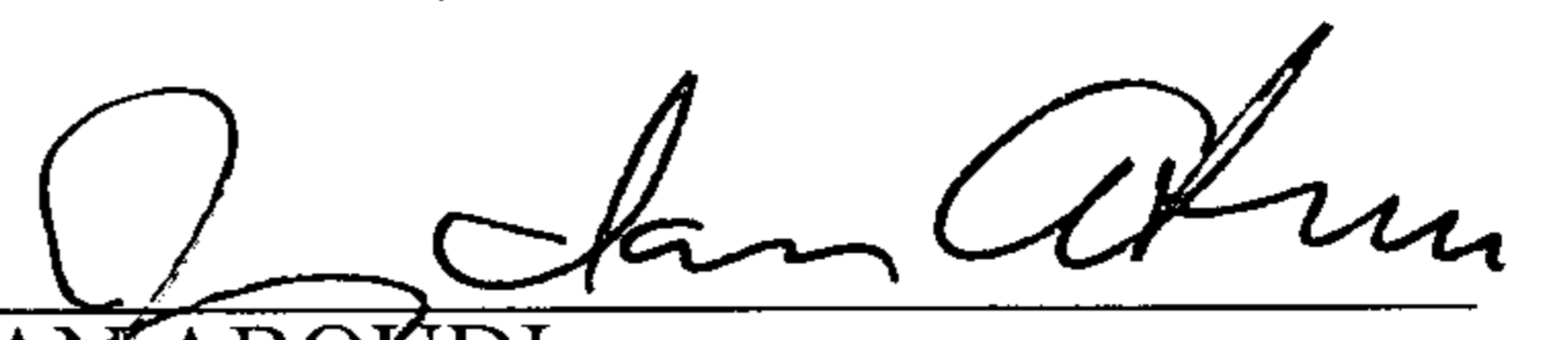
26 1. Attorney Jay Ian Aboudi's motion to be relieved as counsel of record for  
27 defendant AB Trucking is scheduled to be heard on November 17, 2011. Mr. Aboudi has  
28 presented good cause to be relieved as counsel due to a debilitating illness. Mr. Bryant from the

1 Law Office of Bryant & Brown has agreed to substitute into the action if the pending motion to  
2 be relieved as counsel is granted and the Court grants this motion to continue trial for a period of  
3 90-120 days. (See Declaration of Jay Ian Aboudi filed in support of this ex parte application.)

4 For all of the foregoing reasons, the Court should issue an Order of this Court to continue  
5 the trial date from November 29, 2011 for a period of 90-120 days. Counsel for Plaintiffs is the  
6 Law Office of Weinberg, Roger & Rosenfeld. On November 9, 2011, this office notified  
7 Plaintiff's counsel of this Ex Parte application. This application is based on this Ex Parte  
8 Application, the attached Memorandum of Points and Authorities, the accompanying Declaration  
9 of Jay Ian Aboudi, all pleadings and papers on file herein, any matter of which the Court may  
10 take judicial notice and upon such oral and documentary evidence that may be presented at the  
11 hearing on the Application.

12 Dated: November 10, 2011

**JAY IAN ABOUDI, ATTORNEY AT LAW**

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15 JAY IAN ABOUDI  
16 Attorney for Defendant OAKLAND PORT  
17 SERVICES CORPORATION d/b/a AB TRUCKING  
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3 **PROOF OF SERVICE**

4 I am a resident of the State of California, over the age of eighteen years, and not a party  
5 to the within action. My business address is: 1855 Olympic Blvd., Ste. 210, Walnut Creek, CA  
6 94596. On the date below, I served the within documents:


- 7 **(1) EX PARTE APPLICATION FOR AN ORDER TO CONTINUE TRIAL ON  
8 BEHALF OF DEFENDANT OAKLAND PORT SERVICES CORPORATION  
9 d/b/a AB TRUCKING;**
- 10 **(2) MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF EX  
11 PARTE APPLICATION FOR AN ORDER TO CONTINUE TRIAL ON BEHALF  
12 OF DEFENDANT OAKLAND PORT SERVICES CORPORATION d/b/a AB  
13 TRUCKING;**
- 14 **(3) DECLARATION OF JAY IAN ABOUDI IN SUPPORT THEREOF; and**
- 15 **(4) [PROPOSED] ORDER.**

- 16  by sending the document(s) listed above in a sealed envelope through United States  
17 Postal Service EXPRESS MAIL with postage thereon fully prepaid, in the State of  
18 California in Walnut Creek addressed as set forth below.
- 19  by transmitting via facsimile and via email the document(s) listed above to the fax  
20 number(s) and email address(es) set forth below on this date at approximately 11:30  
21 AM.
- 22  by personally delivering the document(s) listed above to the person(s) at the  
23 address(es) set forth below.

24 Lisl Duncan, Esq.  
25 Weinberg, Roger & Rosenfeld  
26 A Professional Corporation  
27 1001 Marina Village Parkway, Suite 200  
28 Alameda, CA 94501-1091  
Fax: (510) 337-1023  
[lduncan@unioncounsel.net](mailto:lduncan@unioncounsel.net)

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

34 I declare under penalty of perjury under the laws of the State of California that the above  
35 is true and correct. Executed on November 10, 2011 at Walnut Creek, California.

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37 \_\_\_\_\_  
38 Jay Aboudi, Esq.