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Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Godfrey <p style="text-align: right;">Plaintiff/Petitioner(s)</p> <p style="text-align: center;">VS.</p> AB Trucking, Inc. <p style="text-align: right;">Defendant/Respondent(s) (Abbreviated Title)</p>	No. <u>RG08379099</u> Order Demurrer Overruled
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The Demurrer was set for hearing on 12/03/2010 at 10:00 AM in Department 20 before the Honorable Robert B. Freedman. The Tentative Ruling was published and has not been contested.

IT IS HEREBY ORDERED THAT:

The tentative ruling is affirmed as follows: The Demurrer of defendant Oakland Port Services Corporation dba AB Trucking ("Defendant") to the Second Amended Complaint ("SAC") of plaintiffs Lavon Godfrey and Gary Gilbert ("Plaintiffs") is ruled on as follows:

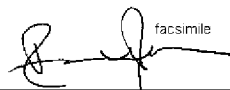
The Court notes at the outset that Defendant's demurrer does not comply with Rule of Court 3.1320(a). None of the enumerated grounds for demurrer state whether they apply to the entire SAC or to one or more of the eight separate causes of action. The Court further notes that Defendant relies primarily on federal authorities, none of which arise in the context of a pleadings challenge.

All of Defendant's enumerated grounds for demurrer appear to be directed to the "Class Allegations" section of the SAC, and each addresses issues that are not appropriate for resolution pursuant to Code of Civil Procedure section 430.10. Determination of class sufficiency cannot be made on the face of the pleading. (See, e.g., Gutierrez v. California Commerce Club, Inc. (2010) 187 Cal.App.4th 969, 975.)

The Demurrer is **OVERRULED** in all respects.

Defendant shall answer the SAC forthwith, and no later than December 10, 2010.

Dated: 12/03/2010

A handwritten signature in black ink, appearing to read 'R. Freedman', with the word 'facsimile' written in small text to its right.

Judge Robert B. Freedman

SHORT TITLE: Godfrey VS AB Trucking, Inc.	CASE NUMBER: RG08379099
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ADDITIONAL ADDRESSEES

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