



FILED
ALAMEDA COUNTY

AUG 11 2010

Jay Ian Aboudi
By _____ Deputy

1 JAY IAN ABOUDI (SBN: 251984)
2 THE LAW OFFICE OF JAY IAN ABOUDI
3 1855 Olympic Blvd., Ste. 210
4 Walnut Creek, CA 94596
5 Telephone: (925) 465-5155
6 Facsimile: (925) 465-5169

Attorney for Defendant OAKLAND PORT SERVICES
CORPORATION dba AB TRUCKING
(erroneously sued as AB TRUCKING, INC.)

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

10	LAVON GODFREY and GARY GILBERT, on)	Case No. RG 08-379099
11	behalf of themselves and all others similarly)	
12	situated,)	
13	Plaintiffs,)	DECLARATION OF JAY IAN ABOUDI
14	v.)	IN OPPOSITION TO MOTION TO
15	OAKLAND PORT SERVICES)	CERTIFY CLASS
16	CORPORATION d/b/a AB TRUCKING, and)	
17	DOES 1 through 20, inclusive,)	Date: August 20, 2010
18	Defendants.)	Time: 10:00 a.m.
19		Place: Department 20
20		Judge: Hon. Robert B. Freedman

21 I, JAY IAN ABOUDI, declare:

22 1. I am an attorney at law, licensed to practice before all of the courts of the State of
23 California and served as General Counsel to defendant Oakland Port Services Corporation dba
24 AB Trucking ("AB Trucking"), erroneously sued herein as "Oakland Port Services Corp. dba
25 AB Trucking." I am the person most knowledgeable about the following facts and have personal
26 knowledge thereof. If called as a witness I could and would testify as set forth below.

27 2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the reporter's
28 transcript of the deposition of Plaintiff Lavon Godfrey.

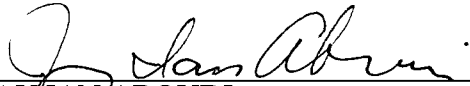
3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the reporter's
transcript of the deposition of Plaintiff Gary Gilbert.

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

Dated: August 11, 2010



JAY IAN ABOUDI

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

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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
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www.aikenwelch.com

DEPOSITION OF LAVON GODFREY

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3 BE IT REMEMBERED, that pursuant to Notice of
4 Taking Deposition, and on the 7th day of December 2009,
5 commencing at the hour of 9:26 a.m. in the offices of
6 Michael Broad, Attorney at Law, 166 Santa Clara Avenue,
7 Oakland, California, before me, LETICIA A. RALLS, a
8 Certified Shorthand Reporter, personally appeared LAVON
9 GODFREY, produced as a witness in said action, and
10 being by me first duly sworn, was thereupon further
11 examined as a witness in said cause.
12
13

14 ----oOo----

15
16 APPEARANCES:

17 For the Plaintiffs:

18 LISL R. DUNCAN
19 Weinberg, Roger & Rosenfeld
20 1001 Marina Village Parkway, Suite 200
Alameda, California 94501-1091

21 For the Defendants:

22 MICHAEL A. BROAD
23 Michael Broad, Attorney at Law
24 166 Santa Clara Avenue
25 Oakland, California 94610

1 For the Defendants:

2 JAY IAN ABOUDI
3 Oakland Port Services Corporation
4 In-House Counsel
5 11 Burma Road
6 Oakland, California 94607

7
8 ALSO PRESENT: Bill Aboudi.
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1 Q. Your employment now?

2 A. Why? Why is that important?

3 Q. I'm just asking you where you're working now.

4 A. I don't want to answer that, due to safety
5 reasons.

6 Q. Okay. And when you say "safety," what safety
7 are you concerned with?

8 A. Well, I just don't know if Bill want to have me
9 killed or mad at me like that to have me knocked off or
10 somebody following me.

11 Q. Okay. And -- let's see. See if there's
12 anything else.

13 I think that's about it. Let me go through --
14 let me go back. Let me leave that there.

15 MR. BROAD: Gentlemen, why don't you come over
16 here?

17 (Recess taken.)

18 MR. BROAD: Back on the record.

19 About maybe ten more minutes of questions.

20 THE WITNESS: Okay.

21 BY MR. BROAD:

22 Q. Okay. You started working at Bay Area Beverage
23 shortly after you ended your work at AB Trucking,
24 correct?

25 A. Correct.

1 Q. Within a week or two?

2 A. I think it was two weeks.

3 Q. So sometime in July in 2007?

4 A. Yes.

5 Q. And you worked there for about a month,
6 correct?

7 A. Right.

8 Q. And then you terminated your employment there
9 because you didn't want to do the kind of manual labor
10 that they were requiring?

11 A. No. They wasn't giving me the proper --

12 Q. Equipment?

13 A. -- equipment that I needed.

14 Q. Okay. Who was your supervisor at Bay Area
15 Beverage, if you remember?

16 A. I don't -- I don't recall.

17 Q. Okay. And who did you tell -- did you tell
18 anybody at Bay Area Beverage that you were leaving
19 because they weren't giving you the proper equipment?

20 A. I just looked at my route, and I saw 12 kegs,
21 and I said, "You got a keg dolly for me?"

22 And he said, "No; you can just put it on
23 there."

24 And I looked at his leg, and I said, "Is that
25 right? Do me a favor; give this route to somebody

1 else, and send me mine in the mail." And that was it.

2 Q. So you didn't give two weeks' notice either?

3 A. (Witness shakes head.)

4 Q. So during that month that you worked there, did
5 you get a half-hour lunch break?

6 A. Yeah.

7 Q. And did you get two ten-minute breaks?

8 A. Yes.

9 Q. Okay. And -- okay. And after that, what was
10 your next job after Bay Area Beverage?

11 Oh, before we go into that, I want to ask you:
12 Did you talk to anybody at Bay Area Beverage about your
13 experiences at AB Trucking?

14 A. No.

15 Q. Okay. Never mentioned -- did you mention to
16 anybody at Bay Area Beverage about Bill Aboudi?

17 A. No.

18 Q. Did you mention to anybody at Bay Area Beverage
19 that you didn't get your rest or meal breaks at
20 AB Trucking?

21 A. No.

22 Q. Okay. What was your next job after Bay Area
23 Beverage?

24 A. That's where I'm at now.

25 Q. Okay. So between July of --

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

---oOo---

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

COPY

Plaintiffs,

-vs-

CASE NO. RGO8-379099

OAKLAND PORT SERVICES
CORPORATION, dba AB TRUCKING,

Defendants.

DEPOSITION OF GARY GILBERT

Volume II

(Page 126 - 259)

Taken before CYNTHIA V. GARIS

CSR No. 9402

March 22, 2010



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DEPOSITION OF GARY GILBERT

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3 BE IT REMEMBERED, that pursuant to Notice, and on the
4 22nd day of March, 2010, commencing at the hour of
5 9:20 a.m., in the offices of Santa Rita County Jail,
6 Dublin, California, before me, CYNTHIA V. GARIS, a
7 Certified Shorthand Reporter for the State of California,
8 personally appeared GARY GILBERT, produced as a witness in
9 said action, and being by me first duly sworn, was
10 thereupon examined as a witness in said cause.

11
12 ----oOo----

APPEARANCES:

For The Plaintiffs:

13
14
15 Lisl Duncan
16 Weinberg, Roger & Rosenfeld
17 1001 Marina Village Parkway, Suite 200
Alameda, California 94501

For The Defendants:

18 Michael Broad
19 Law Office Of Michael Broad
20 166 Santa Clara Avenue
Oakland, California 94610

21 Jay Aboudi
22 Law Office Of jay Aboudi
23 11 Burma Road
Oakland, California 94607

Also Present:

24 Bill Aboudi
25

1 THE WITNESS: Yes. Let's take a break.

2 (Recess taken from 11:05 to 11:10 a.m.)

3 MR. BROAD: I want the record to reflect that the
4 witness stepped out of the room with the attorney, and now
5 we're back in the room.

6 MS. DUNCAN: And defendant made a speaking, I
7 guess objection, and I would like to put on the record
8 that I did not coach the witness.

9 BY MR. BROAD:

10 Q. After you stopped working at AB Trucking, after
11 you stopped your training at AB Trucking, where was your
12 next employment or were you employed after that?

13 A. I worked occasionally at a book show,
14 San Francisco.

15 Q. Anything else that you can remember after AB
16 Trucking?

17 A. No.

18 Q. Do you remember Big Momma Do Thing?

19 A. No.

20 Q. Did you work after your training at AB Trucking,
21 did you ever, were you ever employed as a truck driver?

22 A. No.

23 Q. Did you ever look for work as a truck driver?

24 A. Yes.

25 Q. Were any jobs offered you?