



FILED
ALAMEDA COUNTY

JAN 29 2010

CLERK OF THE SUPERIOR COURT

ORIGINAL

1 DAVID A. ROSENFELD, Bar No. 058163
2 CAREN P. SENCER, Bar No. 233488
3 LISL R. DUNCAN, Bar No. 261875
4 WEINBERG, ROGER & ROSENFELD
5 A Professional Corporation
6 1001 Marina Village Parkway, Suite 200
7 Alameda, California 94501-1091
8 Telephone 510.337.1001
9 Fax 510.337.1023

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) Case No. RG 08-379099
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.

23 DECLARATION OF LISL R. DUNCAN
24 IN SUPPORT OF PLAINTIFFS'
25 OPPOSITION TO DEFENDANT'S
26 MOTION TO COMPEL FURTHER
27 ANSWERS TO INTERROGATORIES;
28 AND FOR SANCTIONS

Date: February 11, 2010
Time: 2:00 p.m.
Dept.: 20
Judge: Freedman

1 I, Lisl R. Duncan, hereby declare as follows:

2 1. I am an attorney at law, admitted to practice before this Court and an associate with
3 the law firm of Weinberg, Roger & Rosenfeld ("the Law Firm"), attorneys for Plaintiffs in the
4 above-captioned matter. I make this declaration upon my personal knowledge, and if called as a
5 witness, I could competently testify to the facts herein stated.

6 2. Plaintiffs filed this lawsuit as a class action against Defendant on March 28, 2008.
7 In their case management statement of June 2009, Plaintiffs indicated they intended to file for class
8 certification in December 2009.

9 //

FAXED

WEINBERG, ROGER &
ROSENFELD
A Professional Corporation
1001 Marina Village Parkway
Suite 200
Alameda, CA 94501-1091
510.337.1001

DECL OF LISL R. DUNCAN ISO PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO COMPEL
FURTHER ANSWERS TO INTERROGATORIES; AND FOR SANCTIONS CASE NO. RG 08-379099

1 3. Defendant propounded on Plaintiffs its first set of form interrogatories on
2 September 8, 2009.

3 4. On September 30, 2009, Defendant granted an extension of the time in which
4 Plaintiffs could respond to its discovery requests. Counsel for the parties agreed the new deadline
5 would be October 22, 2009. This agreement was confirmed in writing. Attached hereto as Exhibit
6 A is a true and correct copy of the September 30, 2009 correspondence. As required by the
7 extension, Plaintiffs mailed responses to the form interrogatories on October 22, 2009.

8 5. The verifications were not included in the October 22, 2009 mailing, but Plaintiffs
9 indicated verifications would follow shortly.

10 6. Plaintiff Gary Gilbert's verification was mailed on November 20, 2009. Attached
11 hereto as Exhibit B is a true and correct copy of the verification and cover correspondence
12 transmitting Mr. Gilbert's verification.

13 7. At the second day of Plaintiff Godfrey's deposition on December 7, 2009, counsel
14 for AB Trucking, Michael Broad and Jay Aboudi, and I discussed whether or not Defendant had
15 received Plaintiff Godfrey's verifications as there was some question as to whether or not they had
16 been received. This conversation was later continued by phone where I indicated to Jay Aboudi
17 that the failure to receive the verification was inadvertent error and my mistake.

18 8. On December 14, 2009 Defendant sent a meet and confer letter to each Plaintiff.
19 The two letters were identical as to interrogatories and requests that were the same for both
20 Plaintiffs. These letters, which make absolutely no mention of form interrogatory No. 2.11, were
21 attached to the Declaration of Jay Ian Aboudi as Exhibits A and B.

22 9. Plaintiff Godfrey's verification was mailed to Defendant December 15, 2009.
23 Attached hereto as Exhibit C is a true and correct copy of the verification and cover
24 correspondence transmitting Ms. Godfrey's verification.

25 10. On December 23, 2009, Plaintiffs sent two meet and confer letters responding to
26 Defendant's letters of December 14. True and correct copies of these letters are attached hereto as
27 Exhibits D and E.

28

1 11. On December 15, 2009, Plaintiffs filed their motion for class certification.

2 12. On or about December 31, 2009, Defendant and Plaintiffs spoke over the telephone
3 and discussed Defendant's letters of December 14 and Plaintiffs' letters of December 23.
4 Defendant was requesting a 45 day extension, which Plaintiffs were not inclined to provide when
5 Defendant was claiming that Plaintiffs' original responses were invalid. A compromise was
6 reached. The parties did not discuss Plaintiff's response to form interrogatory No. 2.11, as
7 Defendant did not bring up this interrogatory in its December 14 letter as being at issue.

8 13. On January 5, 2009, Plaintiff served supplemental responses to Defendant,
9 including responses to form interrogatories in response to the meet and confer letters and telephone
10 conversation. The supplemental responses clarified the definition of "AB Trucking management."
11 Based on the parties' telephone conversation, it was Plaintiffs' understanding that Defendant and
12 Plaintiffs had reached an agreement that this definition of the term would sufficiently clarify
13 Plaintiffs' responses. Attached hereto as Exhibit F and G are true and correct copies of Plaintiffs
14 supplemental responses to form interrogatories.

15 14. Plaintiff specifically raised the issue of verifications to the supplemental responses
16 with Defendant. Plaintiff had agreed to submit supplemental discovery responses within the
17 limited time period of two working days from the meet and confer telephone conversation of
18 December 31. Plaintiff requested Defendant accept the verification forms in the amount of time it
19 would take for mailing of the forms and receipt of the returned forms. The extension of the meet
20 and confer period was explicitly conditioned on Defendant accepting the verifications separately
21 from the responses.

22 15. Mr. Gilbert's verification of supplemental responses to form interrogatories was
23 mailed on January 13, 2010. Attached hereto as Exhibit H is a true and correct copy of the
24 verification and cover correspondence transmitting Mr. Gilbert's verification.

25 16. Ms. Godfrey's verification of supplemental responses to form interrogatories was
26 mailed on January 19, 2010. Attached hereto as Exhibit I is a true and correct copy of the
27 verification and cover correspondence transmitting Ms. Godfrey's verification.

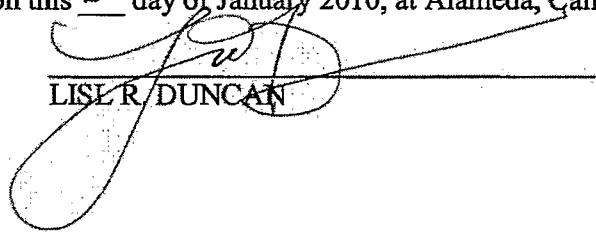
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17. Neither Mr. Gilbert or Ms. Godfrey have made any changes to their verified interrogatory responses.

18. On January 15, 2010, Defendant filed this motion to compel responses from Plaintiff Godfrey to three form interrogatories, and from Plaintiff Gilbert to two interrogatories.

19. I have spent 5 hours responding to AB Trucking's motion to compel further responses to form interrogatories and Ms. Sencer at the firm has spent 1.5 hours responding. My time is billed at \$275.00 an hour and Ms. Sencer's is billed at \$325.00 an hour. Not including any time spent reviewing Defendant's reply, preparing for and appearing at hearing, the firm has incurred \$1,862.50 of costs and fees associated with opposing this motion.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 29 day of January 2010, at Alameda, California.



LISL R. DUNCAN

118212/559025

EXHIBIT A

EXHIBIT A

STEWART WEINBERG
DAVID A. ROSENFELD
WILLIAM A. SOKOL
VINCENT A. HARRINGTON, JR.
W. DANIEL BOONE
BLYTHE MICKELSON
BARRY E. HINKLE
JAMES RUTKOWSKI *
SANDRA RAE BENSON
CHRISTIAN L. RAISNER
JAMES J. WESSER
THEODORE FRANKLIN
ANTONIO RUIZ
MATTHEW J. GAUGER
ASHLEY K. IKEDA **
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KRISTINA L. HILLMAN ***
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BRUCE A. HARLAND
CONCEPCION E. LOZANO-BATISTA
CAREN P. SENCER

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MANUEL A. BOIGUES ***
KERIANN R. STEELE ***
ANA M. GALLEGOS
GARY P. PROVENCHER
LISE R. DUNCAN
JORDAN D. MAZUR
JACOB J. WHITE

PATRICIA M. GATES, Of Counsel
ROBERTA D. PERKINS, Of Counsel
RICHARD T. DRURY, Of Counsel
SHARON A. SEIDENSTEIN, Of Counsel
NINA FENDEL, Of Counsel

* Also admitted in Arizona
** Admitted in Hawaii
*** Also admitted in Nevada
**** Also admitted in Illinois

September 30, 2009


Michael A. Broad
166 Santa Clara Ave
Oakland, CA 94610

Re: Lavon Godfrey, et al. v. Oakland Port Services Corporation d/b/a AB Trucking
Alameda County Superior Court No. RG 08-379099

Dear Mr. Broad:

Thank you for granting Plaintiffs a two week extension to provide responses to the discovery propounded by your clients. Plaintiffs' responses are now due October 22, 2009.

Sincerely,



Lisel R. Duncan

LRD/jk
opeiu 3 afl-cio(1)
118212/545947

EXHIBIT B

EXHIBIT B

STEWART WEINBERG
DAVID A. ROSENFELD
WILLIAM A. SOKOL
VINCENT A. HARRINGTON, JR.
W. DANIEL BOONE
BLYTHE MICKELSON
BARRY E. HINKLE
JAMES RUTKOWSKI
SANDRA RAE BENSON
CHRISTIAN L. RAISNER
JAMES J. WESSER
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RICHARD T. DRURY, Of Counsel
SHARON A. SEIDENSTEIN, Of Counsel
NINA FENDEL, Of Counsel

* Also admitted in Arizona
** Admitted in Hawaii
*** Also admitted in Nevada
**** Also admitted in Illinois

November 20, 2009

Michael A. Broad
166 Santa Clara Ave
Oakland, CA 94610

Re: Lavon Godfrey, et al. v. Oakland Port Services Corporation d/b/a AB Trucking
Alameda County Superior Court No. RG 08-379099

Dear Mr. Broad:

Enclosed please find Gary Gilbert's signed verifications for responses to Defendant's Demand for Production of Documents; Special Interrogatories; Form Interrogatories – General; and Request for Admissions.

If you have any questions, please feel free to contact me.

Sincerely,

Lisl R. Duncan/jk

Lisl R. Duncan

LRD/jk
opeiu 3 afl-cio(1)
Enclosure
118212/551957

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VERIFICATION

I am a PLAINTIFF, in the above-entitled action. I have read the foregoing PLAINTIFF GARY GILBERT'S RESPONSES TO DEFENDANT OAKLAND PORT SERVICES CORPORATION'S DEMAND FOR PRODUCTION OF DOCUMENTS; SET ONE on file herein and know its contents. I am informed and believe that the matters stated therein are true and on that ground certify or declare under penalty of perjury under the laws of the State of California that the same are true and correct.

Executed at OAKLAND, California on the 11 day of November 2009.



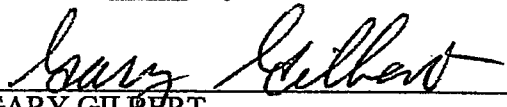
GARY GILBERT

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VERIFICATION

I am a PLAINTIFF, in the above-entitled action. I have read the foregoing PLAINTIFF G. GILBERT'S RESPONSES TO DEFENDANTS SPECIAL INTERROGATORIES, SET ONE on file herein and know its contents. I am informed and believe that the matters stated therein are true and on that ground certify or declare under penalty of perjury under the laws of the State of California that the same are true and correct.

Executed at OAKLAND, California on the 11 day of November 2009.



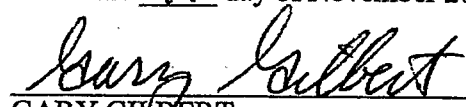
GARY GILBERT

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VERIFICATION

I am a PLAINTIFF, in the above-entitled action. I have read the foregoing PLAINTIFF GARY GILBERT'S RESPONSES TO DEFENDANTS' FORM INTERROGATORIES -- GENERAL, SET ONE on file herein and know its contents. I am informed and believe that the matters stated therein are true and on that ground certify or declare under penalty of perjury under the laws of the State of California that the same are true and correct.

Executed at OAKLAND, California on the 11 day of November 2009.



GARY GILBERT

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VERIFICATION

I am a PLAINTIFF, in the above-entitled action. I have read the foregoing PLAINTIFF G. GILBERT'S RESPONSES TO DEFENDANTS' REQUEST FOR ADMISSIONS, SET ONE on file herein and know its contents. I am informed and believe that the matters stated therein are true and on that ground certify or declare under penalty of perjury under the laws of the State of California that the same are true and correct.

Executed at ONKLAND, California on the 11 day of November 2009.

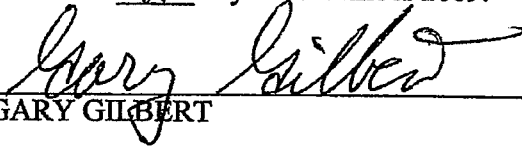

GARY GILBERT

EXHIBIT C

EXHIBIT C

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December 15, 2009

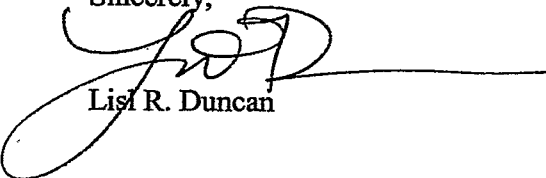
Michael A. Broad
166 Santa Clara Ave
Oakland, CA 94610

Re: Lavon Godfrey, et al. v. Oakland Port Services Corporation d/b/a AB Trucking,
Alameda County Superior Court No. RG 08-379099

Dear Mr. Broad:

As we discussed previously, there is still confusion as to whether Ms. Godfrey's verifications were previously sent; however, we send over her verifications enclosed with this letter.

Sincerely,



Lisi R. Duncan

LRD/LRD

Enclosure

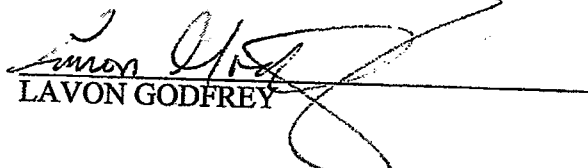
cc: Jay Aboudi (w/out enclosures)
118212/554204

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VERIFICATION

I am a PLAINTIFF, in the above-entitled action. I have read the foregoing PLAINTIFF
LAVON GODFREY'S RESPONSES TO DEFENDANTS' FORM INTERROGATORIES –
GENERAL, SET ONE on file herein and know its contents. I am informed and believe that the
matters stated therein are true and on that ground certify or declare under penalty of perjury under
the laws of the State of California that the same are true and correct.

Executed at Oakland, California on the 11 day of November 2009.


LAVON GODFREY

VERIFICATION

I am a PLAINTIFF, in the above-entitled action. I have read the foregoing PLAINTIFF
LAVON GODFREY'S RESPONSES TO DEFENDANTS' REQUEST FOR ADMISSIONS, SET
ONE on file herein and know its contents. I am informed and believe that the matters stated
therein are true and on that ground certify or declare under penalty of perjury under the laws of the
State of California that the same are true and correct.

Executed at Oakland, California on the 11 day of November 2009.


LAVON GODFREY

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VERIFICATION

I am a PLAINTIFF, in the above-entitled action. I have read the foregoing PLAINTIFF
LAVON GODFREY'S RESPONSES TO DEFENDANT'S FORM INTERROGATORIES –
EMPLOYMENT LAW, SET ONE on file herein and know its contents. I am informed and
believe that the matters stated therein are true and on that ground certify or declare under penalty
of perjury under the laws of the State of California that the same are true and correct.

Executed at Oakland, California on the 11 day of November 2009.


LAVON GODFREY

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VERIFICATION

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LAVON GODFREY'S RESPONSES TO DEFENDANTS SPECIAL INTERROGATORIES, SET
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VERIFICATION

I am a PLAINTIFF, in the above-entitled action. I have read the foregoing PLAINTIFF
LAVON GODFREY'S RESPONSES TO DEFENDANT OAKLAND PORT SERVICES
CORPORATION'S DEMAND FOR PRODUCTION OF DOCUMENTS; SET ONE on file herein
and know its contents. I am informed and believe that the matters stated therein are true and on
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the same are true and correct.

Executed at Oakland, California on the 11 day of November 2009.


LAVON GODFREY

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EXHIBIT D

EXHIBIT D

STEWART WEINBERG
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* Also admitted in Arizona
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December 23, 2009

Michael A. Broad
166 Santa Clara Ave
Oakland, CA 94610

Re: Lavon Godfrey, et al. v. Oakland Port Services Corporation d/b/a AB Trucking
Alameda County Superior Court No. RG 08-379099
Plaintiff Lavon Godfrey's Responses to Written Discovery

Dear Mr. Broad:

This meet and confer letter responds to your meet and confer letter of December 14, 2009.

PLAINTIFF'S OBJECTIONS ARE NOT WAIVED

Plaintiff served discovery responses and documents upon Defendant in the time set forth by the parties. Defendant states that it granted Plaintiffs an additional two weeks thereby making Plaintiff's responses due "on or before October 22, 2009" and because Plaintiff's responses were "mailed on the due date," the responses are untimely. This assertion is incorrect. Plaintiffs direct Defendant to the well-established "mailbox rule." (See *Korbholz v. Great-West Life & Annuity Ins. Co.* (9th Cir. 2007) 238 Fed. Appx. 287, 288 indicating California law is also in conformity with this principle; see *Pierson v. John Hancock Mut. Life Ins. Co.* (1968) 262 Cal.App.2d 86, 88-89; see also *Lucero v. City of Los Angeles* (1989) 208 Cal.App.3d 664; *Palo Alto Town & Country Village, Inc. v. Bbtc Company* (1974) 11 Cal.3d 494, 501; *State of California v. Agostini* (1956) 139 Cal.App.2d 909, 915; *Ivey v. Kern County Land Co.* (1896) 115 Cal. 196, 200-201.) This rule, in place prior to 1896, is time-honored.

Although Ms. Godfrey's signed verifications were received after October 22, the discovery responses were not untimely. In *Food 4 Less Supermarkets, Inc. v. Superior Court* (1995) 40 Cal.App.4th 651, also cited by Defendant, the court articulated that objections do not require verification in order to be preserved: "objections to a production request are effective even though the response is unverified. The statutes reflect the recognition that objections are legal conclusions interposed by counsel, not factual assertions by a party, making their verification unnecessary." (*Id.* at p. 656.) Objections and factual responses are intellectually distinct. Plaintiff's counsel prepared the factual responses by directly obtaining the responses from Plaintiff. As Defendant is aware, Plaintiff made no changes or modifications to the original factual responses presented by Plaintiff's counsel.

LOS ANGELES OFFICE
3435 Wilshire Boulevard, Suite 620
Los Angeles, CA 90010-1807
TEL 213.380.2344 FAX 213.381.1088

SACRAMENTO OFFICE
428 J Street, Suite 520
Sacramento, CA 95814-2341
TEL 916.443.6600 FAX 916.442.0244

HONOLULU OFFICE
1089 Alakea Street, Suite 1802
Honolulu, HI 96813-4500
TEL 808.528.8880 FAX 808.528.8881

As a result, Plaintiff's objections are not waived. (See *Id.*)

PLAINTIFF'S ANSWERS ARE RESPONSIVE

Contrary to Defendant's assertions, Plaintiff's objections are not general and boilerplate; responses are not identical for every response. Even when Plaintiff presents objections, Plaintiff gives a response.

The majority of Defendant's special interrogatories were phrased in such a way that necessitated the meet and confer process in order for Plaintiff to be able to respond. In other words, many of Defendant's interrogatories were so broad that they could have fairly been responded to by two or three sentences (the manner in which Plaintiff responded), or by pages and pages of explanation. Plaintiff presented succinct answers to the questions and, as I told you in conversation, were fully prepared to clarify or expand responses after Defendant more clearly articulated what further information it needed. Moreover, as I also told you in conversation, it was Plaintiff's belief that many of Defendant's questions could be clarified by the testimony of Plaintiffs in their continued depositions.

Finally, it is legitimate to direct Defendant to Plaintiff's responsive answers given in deposition. It is unreasonable to insist both parties' waste time and resources by re-answering questions Defendant admits were previously asked and answered at deposition. It has been well over 30 days since Plaintiff's deposition and, as you know, the deposition transcript is only available to be signed and modified within 30 days following the deposition. The presumption is that if the deponent does not sign it, then the testimony is accepted as it is. (See CCP § 2025.530.) As a result, Defendant may rely upon the testimony given.

RESPONSES TO SPECIAL INTERROGATORIES: SET ONE

No. 1

Please see Plaintiff's motion for class certification and supporting documents which was sent to Defendant on December 15, 2009. Although Plaintiff would be happy to meet and confer over her response to special interrogatory one, at this time there are no additional facts which would be responsive to this interrogatory that are not found in Plaintiffs motion and supporting papers.

No. 2

Plaintiff has no personal knowledge as to "all persons with knowledge regarding YOUR claim that this action may be properly maintained as a class action" other than those indicated in Plaintiff's response. Plaintiff assumes other putative class members and/or current and former employees of Defendant would have knowledge, however, Plaintiff has no personal knowledge of this fact. As such, Plaintiff responded completely to this interrogatory based on her personal knowledge. Plaintiffs' counsel would be happy to meet and confer further over this question if there is something else more specific that Defendant is trying to get at.

No. 3

Contrary to Defendant's assertion, Plaintiff's response to this interrogatory is not disingenuous. Defendant made a request for Plaintiff to point to "ALL documents," of which there are many. The responsive documents to which Plaintiff refers are bate stamp #s: OPS 00001 – 00280, Godfrey 2004 0001 – 0245, Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008 0001 – 0111.

Nos. 4, 7, 10, 16, 19, 22, 25, 28, 40

It is difficult to understand what Defendant is requesting, as its comments regarding these interrogatories are all lumped together. Each of these interrogatories has different factual and legal intricacies and Defendant's blanket statement that none are based in fact makes it difficult for Plaintiff to know how Defendant wishes she supplement her responses. Moreover, Plaintiff's responses do state responsive facts. Plaintiff would be happy to meet and confer if Defendant would like to explain an example of, or the form of, the type of response it still seeks.

Nos. 31, 34, 37

Please see the class certification motion for further clarification. In addition, as a result of Defendant's wage and hour violations (as described in Plaintiff's responses to all these interrogatories), employees in the putative class who are former employees, were not paid all wages at the time of separation, nor were their paystubs accurate, in violation of applicable law.

No. 43

Plaintiff has no obligation to create a spreadsheet or damage model, both of which would be attorney work product, in order to respond to interrogatories. (See CCP § 2030.230.)

No. 44

Plaintiff does not understand from Defendant's letter what about this response is non-responsive.

No. 45

Please see Plaintiffs' motion for class certification. Although Plaintiffs would be happy to meet and confer over its response to this interrogatory, at this time there are no additional facts which would be responsive that are not found in Plaintiffs' class certification motion and supporting papers.

FORM INTERROGATORIES

Nos. 2.5, 2.6

A thorough summary of Plaintiff's former residences and previous employment was given at her deposition. Please see above regarding the use of deposition testimony. Plaintiff continues to

object to information about her current residence or employment as that information is outside the scope of what may be used in this lawsuit.

Nos. 9.1, 12.1, 12.2, 12.3, 12.6, 17.1

Plaintiff's responses to these interrogatories are responsive. Defendant has not articulated what about these responses it believes is non-responsive. For instance, interrogatory 12.2 asks if Plaintiff or anyone acting on her behalf has interviewed any individual concerning the incident. Plaintiff's response was: "... Plaintiff has not interviewed any individual nor is she aware of any interviews conducted on her behalf."

Defendant appears to want Plaintiff's responses in bullet point format. However, this is not always practical based on the response. See for example the response to 12.2.

If Defendant has something else in mind, Plaintiffs would be happy to meet and confer about it, but based on Defendant's letter of December 14, it is difficult to understand what is non-responsive about these responses other than the fact that Plaintiff does not provide addresses for witnesses she never interviewed.

No. 14.2

Plaintiff's response to 14.2 is: "... to the best of Plaintiff's knowledge, Yes, AB Trucking was charged resulting in the instant litigation. Plaintiff does not have any other information responsive to this request." Plaintiff would be happy to meet and confer further, but with what more does Defendant believe Plaintiff can respond? Plaintiff has already stated this fact is the only thing she has personal knowledge about that would be potentially responsive to the interrogatory. If Defendant wants to ask a different question, it must ask a different question.

No. 50.1

Plaintiffs assert that there is an agreement between AB Trucking and the Port of Oakland, either because AB Trucking holds an agreement with the Port or because it is a lessee of an entity or individual who holds an agreement with the Port. Investigation of this point is still ongoing and Plaintiff continues to wait for responses from Defendant and supplemental documents to which it is entitled that would be responsive to this interrogatory. It is Defendant's responses to Plaintiff's discovery requests on this issue that have been deficient and non-responsive.

Nos. 50.2 – 50.6

Plaintiff responded "yes" to 50.2 and "Plaintiff has no information" to the remaining four. Plaintiffs do not understand how it can provide a "more simple 'yes' or 'no' response" and still have the response based on Plaintiff's personal knowledge. Defendant states in its December 14 letter that these responses require the "factual bases for your response." However, nowhere in the interrogatories does it mention anything about "facts" or "factual bases." Plaintiff is happy to meet and confer further, but, particularly when Plaintiff responds it has no information with which to respond, how can it give a factual basis for information it does not possess?

No. 200.2

Plaintiff responded "yes" to this interrogatory and that she is "aware of no contract that would have changed" the basic presumption of at will employment. Plaintiff also indicated that the documents produced to Plaintiff by Defendant would support this conclusion because there is no such contract produced. Plaintiff intended this to mean that the absence in the documents produced by Defendant of any such contract would be in accord with Plaintiff's understanding that she had no contract changing the presumption of at will employment.

No. 200.4

Plaintiff is aware of no other written guidelines other than those produced by Defendant (i.e. DOT Handbook) found in bate stamp #: OPS 00001 – 00280. It supports Plaintiff's position that no documents responsive to Defendant's request were produced by Defendant in documents bate stamp #: Godfrey 2004 0001 – 0245, Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008 0001 – 0111.

No. 201.1

Plaintiff made an error in failing to respond to this interrogatory; the failure to respond was due to my oversight and was not intentional. Plaintiff objects to this interrogatory on the grounds that it is not relevant to the instant action, nor reasonably likely to lead to the discovery of admissible evidence. Notwithstanding this objection, Plaintiff directs Defendant to Plaintiff's deposition testimony. Please see above discussion on the use of deposition testimony.

No. 207.2

Please see above discussion of the use of deposition testimony. Plaintiff is not aware of any documents responsive to this request.

No. 210.6

Plaintiff would be happy to meet and confer to discuss with more particularity the type and/or extent of the response Defendant seeks.

No. 217.0

Plaintiff would be happy to meet and confer further, but at this point does not understand what about these answers is non-responsive. The documents relied upon in forming these answers are those documents submitted for judicial notice with Plaintiff's class certification motion and documents produced by Defendant to Plaintiff bate stamp #: OPS 00001 – 00280, Godfrey 2004 0001 – 0245, Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008 0001 – 0111.

December 23, 2009
Michael A. Broad
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REQUEST FOR ADMISSIONS

In light of the "clarification" (i.e. Defendant establishes that the time period referenced is the statutory period) provided in the December 14 letter, Plaintiff has no modifications to make to Request Nos. 1, 3, 4, 5, 6, 7 and 14. Plaintiff gave affirmative or negative responses. None of these responses are affected by a clarification of the time period as the statutory period.

No. 2

Plaintiff responded to this request. Her response to Form Interrogatory Nos. 17.1 and 217.0 explained the reason she admitted in part. She further testified at deposition regarding this issue. Plaintiffs would be happy to meet and confer further.

No. 8

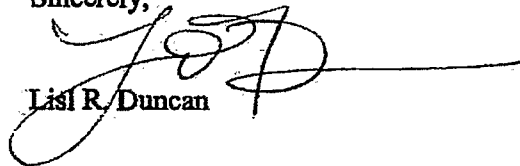
Plaintiff denied this request. Your December 14 letter states that "if no incentive agreement exists, we will accept a response to that effect." While Plaintiff cannot confirm that Defendant and Plaintiff have the same understanding of the term "incentive agreement," to the extent Plaintiff understands what Defendant means by this term based on the common usage of the words, Plaintiff confirms that her denial includes a denial that an "incentive agreement" exists.

REQUEST FOR PRODUCTION

Plaintiff relies on all the payroll records produced by Defendant directly because of the importance a pattern and practice plays in a class action. Other documents produced by Defendant also support Plaintiff's claims. As a result, the responsive documents produced by Defendant to which Plaintiff refers are bate stamp #s: OPS 00001 – 00280, Godfrey 2004 0001 – 0245, Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008 0001 – 0111.

Plaintiffs have told Defendant several times in conversation that there are no further documents in Plaintiff's possession, custody and/or control that would be responsive to Defendant's requests.

Sincerely,


Lisl R. Duncan

LRD/jk
opeiu 3 afl-cio(1)
cc: Jay Aboudi
118212/555130

EXHIBIT E

EXHIBIT E

STEWART WEINBERG
DAVID A. ROSENFELD
WILLIAM A. SOCOL
VINCENT A. HARRINGTON, JR.
W. DANIEL BOONE
ELYTHE WICKELSON
BARRY E. HINKLE
JAMES RUTKOWSKI
SANDRA RAE BENSON
CHRISTIAN L. RAUBNER
JAMES J. WESSER
THEODORE FRANKLIN
ANTONIO RUIZ
MATTHEW J. GAUGER
ASHLEY K. REED
LINDA BALDWIN JONES
PATRICIA A. DAVIS
ALAN G. CROWLEY
KRISTINA L. HILLMAN
EMILY P. FOGH
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PATRICIA M. GATES, Of Counsel
ROBERTA D. PERRONS, Of Counsel
RICHARD T. DUNRY, Of Counsel
NINA FENDEL, Of Counsel

* Also admitted in Arizona
** Admitted in Hawaii
*** Also admitted in Nevada
**** Also admitted in Illinois

December 23, 2009

Michael A. Broad
166 Santa Clara Ave
Oakland, CA 94610

Re: Lavon Godfrey, et al. v. Oakland Port Services Corporation d/b/a AB Trucking
Alameda County Superior Court No. RG 08-379099
Plaintiff Gary Gilbert's Responses to Written Discovery

Dear Mr. Broad:

This meet and confer letter responds to your meet and confer letter of December 14, 2009.

PLAINTIFF'S OBJECTIONS ARE NOT WAIVED

Plaintiff served discovery responses and documents upon Defendant in the time set forth by the parties. Defendant states that it granted Plaintiffs an additional two weeks thereby making Plaintiff's responses due "on or before October 22, 2009" and because Plaintiff's responses were "mailed on the due date," the responses are untimely. This assertion is incorrect. Plaintiffs direct Defendant to the well-established "mailbox rule." (See *Korbholz v. Great-West Life & Annuity Ins. Co.* (9th Cir. 2007) 238 Fed. Appx. 287, 288 indicating California law is also in conformity with this principle; see *Pierson v. John Hancock Mut. Life Ins. Co.* (1968) 262 Cal.App.2d 86, 88-89; see also *Lucero v. City of Los Angeles* (1989) 208 Cal.App.3d 664; *Palo Alto Town & Country Village, Inc. v. Bbtc Company* (1974) 11 Cal.3d 494, 501; *State of California v. Agostini* (1956) 139 Cal.App.2d 909, 915; *Ivey v. Kern County Land Co.* (1896) 115 Cal. 196, 200-201.) This rule, in place prior to 1896, is time-honored.

Although Mr. Gilbert's signed verifications were received after October 22, the discovery responses were not untimely. In *Food 4 Less Supermarkets, Inc. v. Superior Court* (1995) 40 Cal.App.4th 651, also cited by Defendant, the court articulated that objections do not require verification in order to be preserved: "objections to a production request are effective even though the response is unverified. The statutes reflect the recognition that objections are legal conclusions interposed by counsel, not factual assertions by a party, making their verification unnecessary." (*Id.* at p. 656.) Objections and factual responses are intellectually distinct. Plaintiff's counsel prepared the factual responses by directly obtaining the responses from Plaintiff. As Defendant is aware, Plaintiff made no changes or modifications to the original factual responses presented by Plaintiff's counsel. Defendant is also aware of extraneous

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Sacramento, CA 95814-2341
TEL 916.443.6600 FAX 916.442.0244

HONOLULU OFFICE
1099 Alakea Street, Suite 1802
Honolulu, HI 96813-4500
TEL 808.528.6880 FAX 808.528.6881

December 23, 2009
Michael A. Broad
Page 2

circumstances that required an out of the ordinary process for obtaining answers and verifications from Plaintiff.

As a result, Plaintiff's objections are not waived. (See *Id.*)

PLAINTIFF'S ANSWERS ARE RESPONSIVE

Contrary to Defendant's assertions, Plaintiff's objections are not general and boilerplate; responses are not identical for every response. Even when Plaintiff presents objections, Plaintiff gives a response.

The majority of Defendant's special interrogatories were phrased in such a way that necessitated the meet and confer process in order for Plaintiff to be able to respond. In other words, many of Defendant's interrogatories were so broad that they could have fairly been responded to by two or three sentences (the manner in which Plaintiff responded), or by pages and pages of explanation. Plaintiff presented succinct answers to the questions and, as I told you in conversation, were fully prepared to clarify or expand responses after Defendant more clearly articulated what further information it needed. Moreover, as I also told you in conversation, it was Plaintiff's belief that many of Defendant's questions could be clarified by the testimony of Plaintiffs in their continued depositions.

Finally, it is legitimate to direct Defendant to Plaintiff's responsive answers given in deposition. It is unreasonable to insist both parties' waste time and resources by re-answering questions Defendant admits were previously asked and answered at deposition. It has been well over 30 days since Plaintiff's deposition and, as you know, the deposition transcript is only available to be signed and modified within 30 days following the deposition. The presumption is that if the deponent does not sign it, then the testimony is accepted as it is. (See CCP § 2025.530.) As a result, Defendant may rely upon the testimony given.

RESPONSES TO SPECIAL INTERROGATORIES: SET ONE

No. 1

Please see Plaintiff's motion for class certification and supporting documents which was sent to Defendant on December 15, 2009. Although Plaintiff would be happy to meet and confer over his response to special interrogatory one, at this time there are no additional facts which would be responsive to this interrogatory that are not found in Plaintiff's motion and supporting papers.

No. 2

Plaintiff has no personal knowledge as to "all persons with knowledge regarding YOUR claim that this action may be properly maintained as a class action" other than those indicated in Plaintiff's response. Plaintiff assumes other putative class members and/or current and former employees of Defendant would have knowledge, however, Plaintiff has no personal knowledge of this fact. As such, Plaintiff responded completely to this interrogatory based on his personal

December 23, 2009
Michael A. Broad
Page 3

knowledge. Plaintiffs' counsel would be happy to meet and confer further over this question if there is something else more specific that Defendant is trying to get at.

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Contrary to Defendant's assertion, Plaintiff's response to this interrogatory is not disingenuous. Defendant made a request for Plaintiff to point to "ALL documents," of which there are many. The responsive documents to which Plaintiff refers are bates stamp #: OPS 00001 - 00280, Godfrey 2004 0001 - 0245, Godfrey 2005 0001 - 0307, Godfrey 2006 0001 - 0423, Godfrey 2007 0001 - 0557, Godfrey 2008 0001 - 0111.

Nos. 4, 7, 10, 16, 19, 22, 25, 28, 40

It is difficult to understand what Defendant is requesting, as its comments regarding these interrogatories are all lumped together. Each of these interrogatories has different factual and legal intricacies and Defendant's blanket statement that none are based in fact makes it difficult for Plaintiff to know how Defendant wishes he supplement his responses. Moreover, Plaintiff's responses do state responsive facts. Plaintiff would be happy to meet and confer if Defendant would like to explain an example of, or the form of, the type of response it still seeks.

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Please see the class certification motion for further clarification. In addition, as a result of Defendant's wage and hour violations (as described in Plaintiff's responses to all these interrogatories), employees in the putative class who are former employees, were not paid all wages at the time of separation, nor were their paystubs accurate, in violation of applicable law.

No. 43

Plaintiff has no obligation to create a spreadsheet or damage model, both of which would be attorney work product, in order to respond to interrogatories. (See CCP § 2030.230.)

No. 44

Plaintiff does not understand from Defendant's letter what about this response is non-responsive.

No. 45

Please see Plaintiffs' motion for class certification. Although Plaintiffs would be happy to meet and confer over its response to this interrogatory, at this time there are no additional facts which would be responsive that are not found in Plaintiffs' class certification motion and supporting papers.

FORM INTERROGATORIES

Nos. 2.5, 2.6

A thorough summary of Plaintiff's former residences and previous employment was given at his deposition. Please see above regarding the use of deposition testimony. Plaintiff continues to object to information about his current residence or employment as that information is outside the scope of what may be used in this lawsuit.

Nos. 9.1, 12.1, 12.2, 12.3, 12.6, 17.1

Plaintiff's responses to these interrogatories are responsive. Defendant has not articulated what about these responses it believes is non-responsive. For instance, interrogatory 12.2 asks if Plaintiff or anyone acting on his behalf has interviewed any individual concerning the incident. Plaintiff's response was: "... Plaintiff has not interviewed any individual nor is he aware of any interviews conducted on his behalf."

Defendant appears to want Plaintiff's responses in bullet point format. However, this is not always practical based on the response. See for example the response to 12.2.

If Defendant has something else in mind, Plaintiffs would be happy to meet and confer about it, but based on Defendant's letter of December 14, it is difficult to understand what is non-responsive about these responses other than the fact that Plaintiff does not provide addresses for witnesses he never interviewed.

No. 14.2

Plaintiff's response to 14.2 is: "... to the best of Plaintiff's knowledge, Yes, AB Trucking was charged resulting in the instant litigation. Plaintiff does not have any other information responsive to this request." Plaintiff would be happy to meet and confer further, but with what more does Defendant believe Plaintiff can respond? Plaintiff has already stated this fact is the only thing he has personal knowledge about that would be potentially responsive to the interrogatory. If Defendant wants to ask a different question, it must ask a different question.

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Plaintiffs assert that there is an agreement between AB Trucking and the Port of Oakland, either because AB Trucking holds an agreement with the Port or because it is a lessee of an entity or individual who holds an agreement with the Port. Investigation of this point is still ongoing and Plaintiff continues to wait for responses from Defendant and supplemental documents to which it is entitled that would be responsive to this interrogatory. It is Defendant's responses to Plaintiff's discovery requests on this issue that have been deficient and non-responsive.

Nos. 50.2 – 50.6

Plaintiff responded “yes” to 50.2 and “Plaintiff has no information” to the remaining four. Plaintiffs do not understand how it can provide a “more simple ‘yes’ or ‘no’ response” and still have the response based on Plaintiff’s personal knowledge. Defendant states in its December 14 letter that these responses require the “factual bases for your response.” However, nowhere in the interrogatories does it mention anything about “facts” or “factual bases.” Plaintiff is happy to meet and confer further, but, particularly when Plaintiff responds it has no information with which to respond, how can it give a factual basis for information it does not possess?

REQUEST FOR ADMISSIONS

In light of the “clarification” (i.e. Defendant establishes that the time period referenced is the statutory period) provided in the December 14 letter, Plaintiff has no modifications to make to Request Nos. 7, 8, 10, 13, 14 and 15. Plaintiff gave affirmative or negative responses. None of these responses are affected by a clarification of the time period as the statutory period.

Defendant states that Request Nos. 1, 2, 3, 4 and 5 “ask for simple affirmative or negative” responses. Plaintiff has stated “Admit” or “Deny” to all these requests.

Nos. 6 and 9

Plaintiff responded to both these requests.

Nos. 11 and 12

Plaintiff responded affirmatively to Request No. 11. Plaintiff does not understand to what part of Request 11 the December 14 letter refers when it states it seeks an affirmative or negative response.

Plaintiff’s response to Request No. 12 was a denial, in part. Plaintiff fully described its position and its difficulty in understanding the meaning of the phrases used in the request in his response to Form Interrogatory 17.1. Plaintiff articulated that the request was confusing in that Plaintiff signed the document, but did not sign “with the understanding, or with someone having told him or explained to him, that this document was identified as a ‘Trainee Program Agreement’.” Your December 14 letter does not clarify this confusion.

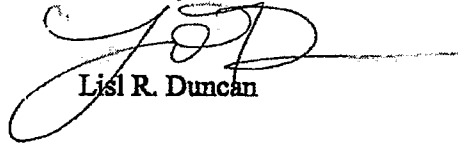
REQUEST FOR PRODUCTION

Plaintiff relies on all the payroll records produced by Defendant directly because of the importance a pattern and practice plays in a class action. Other documents produced by Defendant also support Plaintiff’s claims. As a result, the responsive documents produced by Defendant to which Plaintiff refers are bate stamp #: OPS 00001 – 00280, Godfrey 2004 0001 – 0245, Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008 0001 – 0111.

December 23, 2009
Michael A. Broad
Page 6

Plaintiffs have told Defendant several times in conversation that there are no further documents in Plaintiff's possession, custody and/or control that would be responsive to Defendant's requests.

Sincerely,



Lisl R. Duncan

LRD/jk
opeiu 3 afl-cio(1)
cc: Jay Aboudi
118212/555133

EXHIBIT F

EXHIBIT F

1 DAVID A. ROSENFELD, Bar No. 058163
CAREN P. SENCER, Bar No. 233488
2 LISL R. DUNCAN, Bar No. 261875
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6 Attorneys for Plaintiffs
LAVON GODFREY and GARY GILBERT
7

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

10
11 LAVON GODFREY and GARY GILBERT, on) Case No. RG 08-379099
behalf of themselves and all others similarly)
12 situated,)
13 Plaintiffs,) **PLAINTIFF LAVON GODFREY'S**
) **SUPPLEMENTAL RESPONSES TO**
14 v.) **DEFENDANT'S FORM**
) **INTERROGATORIES - GENERAL,**
15 OAKLAND PORT SERVICES CORP. d/b/a) **SET ONE**
AB TRUCKING, and DOES 1 through 20,)
16 inclusive,)
17 Defendants.)

18 PROPOUNDING PARTY: Defendant OAKLAND PORT SERVICES CORPORATION

19 RESPONDING PARTY: Plaintiff LAVON GODFREY

20 SET: One

21
22 Pursuant to Code of Civil Procedure § 2030, Plaintiff Lavon Godfrey provides the
23 following supplemental responses to Defendant's Form Interrogatories - General, Set One as
24 follows:

25 **GENERAL OBJECTIONS**

26 The following responses are made solely for purposes of this action. These supplemental
27 responses are based upon information presently available to Plaintiff, and no incidental or implied
28 admissions are intended hereby.

1 Plaintiff objects to the form interrogatories general set one, to the extent that they seek
2 information not presently in the possession of Plaintiff due to the fact that Plaintiff has not yet
3 completed her investigation of the facts related to this case, or completed discovery, or preparation
4 for trial. Plaintiff's investigation, discovery, and trial preparation are continuing, and may produce
5 information relevant to these interrogatories. The following responses are given without prejudice
6 to Plaintiff's right to produce any evidence subsequently discovered.

7 Plaintiff generally objects to these discovery requests as seeking information more readily
8 available to Defendants from other sources and/or already in possession of the propounding
9 Defendants, and as seeking information protected by the attorney-client privilege and work
10 product.

11 Subject to these general objections and without waiving any previously asserted objections,
12 Plaintiff provides the following supplemental responses:

13 **INTERROGATORIES**

14 **FORM INTERROGATORY NO. 17.1:**

15 Is your response to each request for admission served with these interrogatories an
16 unqualified admission? If not, for each response that is not an unqualified admission:

- 17 (a) state the number of the request;
- 18 (b) state all facts upon which you base your response;
- 19 (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have
20 knowledge of those facts;
- 21 (d) identify all DOCUMENTS and other tangible things that support your response and
22 state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or
23 thing.

24 **RESPONSE:**

25 **RFA 1:**

26 (c) As Plaintiff's response was a denial of this statement, it is not possible to identify
27 persons with knowledge of the absence of this fact.

28 (d) Documents produced by Defendant bate stamp #: Godfrey 2004 0001 – 0245,

1 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
2 0001 – 0111

3 **RFA 2:**

4 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
5 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
6 knowledge at this time, William Aboudi has knowledge of facts pertaining to this statement.

7 (d) Plaintiff knows of no responsive documents in her possession, custody and/or
8 control.

9 **RFA 3:**

10 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
11 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
12 knowledge at this time, William Aboudi, Trina and Cynthia would have knowledge of facts
13 pertaining to this statement. Plaintiff has no knowledge of the addresses and telephone numbers of
14 these individuals other than Defendant's business address. Plaintiff has no personal knowledge of
15 whether other employees employed by Defendant during the statutory period have knowledge of
16 these facts, though Plaintiff assumes they would. Plaintiff has no personal knowledge of the
17 addresses or telephone numbers of the drivers employed by Defendant during the statutory period;
18 Defendant would be more likely to have this information.

19 (d) Plaintiff knows of no responsive documents in her possession, custody or control.

20 **RFA 4:**

21 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
22 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
23 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
24 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
25 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
26 personal knowledge of whether other employees employed by Defendant during the statutory
27 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
28 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant

1 during the statutory period; Defendant would be more likely to have this information.

2 (d) Plaintiff knows of no responsive documents in her possession, custody and/or
3 control.

4 **RFA 5:**

5 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
6 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
7 knowledge at this time, William Aboudi, Jovi Aboudi and Beth would have knowledge of facts
8 pertaining to this statement. Plaintiff has no knowledge of the addresses and telephone numbers of
9 these individuals other than Defendant's business address.

10 (d) Documents produced by Defendant bate stamp #: Godfrey 2004 0001 – 0245,
11 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
12 0001 – 0111

13 **RFA 6:**

14 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
15 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
16 knowledge at this time, William Aboudi, Jovi Aboudi and Beth would have knowledge of facts
17 pertaining to this statement. Plaintiff has no knowledge of the addresses and telephone numbers of
18 these individuals other than Defendant's business address.

19 (d) Documents produced by Defendant bate stamp #: Godfrey 2004 0001 – 0245,
20 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
21 0001 – 0111

22 **RFA 7:**

23 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
24 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
25 knowledge at this time, William Aboudi, Jovi Aboudi and Beth would have knowledge of facts
26 pertaining to this statement. Plaintiff has no knowledge of the addresses and telephone numbers of
27 these individuals other than Defendant's business address.

28 (d) Documents produced by Defendant bate stamp #: Godfrey 2004 0001 – 0245,

1 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
2 0001 – 0111.

3 **RFA 8:**

4 (c) As Plaintiff's response was a denial of this statement, it is not possible to identify
5 persons with knowledge of the absence of this fact.

6 (d) Plaintiff knows of no responsive documents in her possession, custody and/or
7 control.

8 **RFA 9:**

9 (c) As Plaintiff's response was a denial of this statement, it is not possible to identify
10 persons with knowledge of the absence of this fact.

11 (d) Plaintiff knows of no responsive documents in her possession, custody and/or
12 control.

13 **RFA 10:**

14 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
15 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
16 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
17 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
18 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
19 personal knowledge of whether other employees employed by Defendant during the statutory
20 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
21 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
22 during the statutory period; Defendant would be more likely to have this information.

23 (d) Documents produced by Defendant bate stamp #s: OPS 00001 – 00280, Godfrey
24 2004 0001 – 0245, Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 –
25 0557, Godfrey 2008 0001 – 0111.

26 **RFA 11:**

27 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
28 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal

1 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
2 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
3 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
4 personal knowledge of whether other employees employed by Defendant during the statutory
5 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
6 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
7 during the statutory period; Defendant would be more likely to have this information.

8 (d) Plaintiff knows of no responsive documents in her possession, custody and/or
9 control.

10 **RFA 12:**

11 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
12 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
13 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
14 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
15 telephone numbers of these individuals other than Defendant's business address.

16 (d) Documents produced by Defendant bate stamp #: Godfrey 2004 0001 – 0245,
17 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
18 0001 – 0111.

19 **RFA 13:**

20 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
21 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
22 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
23 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
24 telephone numbers of these individuals other than Defendant's business address.

25 (d) Documents produced by Defendant bate stamp #: Godfrey 2004 0001 – 0245,
26 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
27 0001 – 0111.

28 **RFA 14:**

1 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
2 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
3 knowledge at this time, William Aboudi, Jovi Aboudi and Beth would have knowledge of facts
4 pertaining to this statement. Plaintiff has no knowledge of the addresses and telephone numbers of
5 these individuals other than Defendant's business address.

6 (d) Documents produced by Defendant baste stamp #: Godfrey 2004 0001 – 0245,
7 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
8 0001 – 0111.

9 **RFA 15:**

10 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
11 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
12 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
13 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
14 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
15 personal knowledge of whether other employees employed by Defendant during the statutory
16 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
17 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
18 during the statutory period; Defendant would be more likely to have this information.

19 (d) Documents produced by Defendant baste stamp #: OPS 00001 – 00280, Godfrey
20 2004 0001 – 0245, Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 –
21 0557, Godfrey 2008 0001 – 0111.

22 **RFA 16:**

23 (c) As this did not occur, there are no persons with knowledge of these facts.

24 (d) Plaintiff knows of no responsive documents in her possession, custody and/or
25 control.

26 **RFA 17:**

27 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
28 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal

1 knowledge at this time, William Aboudi, Trina, and Cynthia, would have knowledge of facts
2 pertaining to this statement. Plaintiff has no knowledge of the addresses and telephone numbers of
3 these individuals other than Defendant's business address.

4 (d) Documents produced by Defendant bate stamp #: OPS 00001 – 00280, Godfrey
5 2004 0001 – 0245, Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 –
6 0557, Godfrey 2008 0001 – 0111.

7 **RFA 18:**

8 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
9 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
10 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
11 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
12 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
13 personal knowledge of whether other employees employed by Defendant during the statutory
14 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
15 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
16 during the statutory period; Defendant would be more likely to have this information.

17 (d) Documents produced by Defendant bate stamp #: OPS 00001 – 00280, Godfrey
18 2004 0001 – 0245, Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 –
19 0557, Godfrey 2008 0001 – 0111.

20 **FORM INTERROGATORY 50.1:**

21 For each agreement alleged in the pleadings:

22 (a) identify each DOCUMENT that is part of the agreement and for each state the
23 name, ADDRESS, and telephone number of each PERSON who has the DOCUMENT;

24 (b) state each part of the agreement not in writing, the name, ADDRESS, and telephone
25 number of each PERSON agreeing to that provision, and the date that part of the agreement was
26 made;

27 (c) identify all DOCUMENTS that evidence any part of the agreement not in writing
28 and for each state the name, ADDRESS, and telephone number of each PERSON who has the

1 DOCUMENTS;

2 (d) identify all DOCUMENTS that are part of any modification to the agreement, and
3 for each state the name, ADDRESS, and telephone number of each PERSON who has the
4 DOCUMENT;

5 (e) state each modification not in writing, the date, and the name, ADDRESS, and
6 telephone number of each PERSON agreeing to the modification, and the date the modification
7 was made;

8 (f) identify all DOCUMENTS that evidence any modification of the agreement not I
9 writing and for reach state the name, ADDRESS, and telephone number of each PERSON who has
10 the DOCUMENT.

11 **RESPONSE:**

12 Defendant's facility is located within the Port area of the Port of Oakland. Plaintiff has no
13 lease or other such document explaining the relationship between Defendant and the Port of
14 Oakland because Defendant has failed to produce any such documents. Defendant has also failed
15 to produce any response that would explain this relationship. It is Plaintiff's position that
16 Defendant holds a lease with the Port of Oakland or with another entity that holds a lease with the
17 Port of Oakland. At this time, Plaintiff knows of no other documents that would be responsive to
18 this interrogatory.

19 Dated: January 5, 2010

20 WEINBERG, ROGER & ROSENFELD
21 A Professional Corporation

22 By: 

23 DAVID A. ROSENFELD
24 CAREN P. SENCER
25 LISL R. DUNCAN
26 Attorneys for Plaintiffs

27 118212/555855

VERIFICATION TO FOLLOW

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**WEINBERG, ROGER &
ROSENFELD**
A Professional Corporation
1001 Marina Village Parkway
Suite 200
Alameda, CA 94501-1091
510.237.1001

1 **PROOF OF SERVICE**
2 (CCP 1013)

3 I am a citizen of the United States and an employee in the County of Alameda, State of
4 California. I am over the age of eighteen years and not a party to the within action; my business
5 address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On January
6 5, 2010, I served upon the following parties in this action:

7 *Via Mail:*

8 Michael A. Broad
9 166 Santa Clara Ave
10 Oakland, CA 94610

Via E-mail:

Jay Ian Aboudi
General Counsel
Oakland Port Services Corporation
11 Burma Road
Oakland, CA 94607
Email: jay@abtruck.com

11 copies of the document(s) described as:

12 **PLAINTIFF LAVON GODFREY'S SUPPLEMENTAL RESPONSES TO**
13 **DEFENDANT'S FORM INTERROGATORIES - GENERAL, SET ONE**

14 [X] **BY MAIL** I placed a true copy of each document listed herein in a sealed envelope,
15 addressed as indicated herein, and caused each such envelope, with postage thereon fully
16 prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar
17 with the practice of Weinberg, Roger & Rosenfeld for collection and processing of
18 correspondence for mailing, said practice being that in the ordinary course of business, mail
19 is deposited in the United States Postal Service the same day as it is placed for collection.

20 [X] **BY E-MAIL** I caused to be transmitted each document listed herein via the e-mail
21 address(es) listed above or on the attached service list.

22 I certify under penalty of perjury that the above is true and correct. Executed at Alameda,
23 California, on January 5, 2010.


24 
25 _____
26 Joanna Son
27

EXHIBIT G

EXHIBIT G

1 DAVID A. ROSENFELD, Bar No. 058163
2 CAREN P. SENCER, Bar No. 233488
3 LISL R. DUNCAN, Bar No. 261875
4 WEINBERG, ROGER & ROSENFELD
5 A Professional Corporation
6 1001 Marina Village Parkway, Suite 200
7 Alameda, California 94501-1091
8 Telephone 510.337.1001
9 Fax 510.337.1023

6 Attorneys for Plaintiffs
LAVON GODFREY and GARY GILBERT

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

11 LAVON GODFREY and GARY GILBERT, on) Case No. RG 08-379099
12 behalf of themselves and all others similarly)
13 situated,) **PLAINTIFF GARY GILBERT'S**
14) **SUPPLEMENTAL RESPONSES TO**
15 Plaintiffs,) **DEFENDANT'S FORM**
16) **INTERROGATORIES - GENERAL,**
17) **SET ONE**
18 v.)
19 OAKLAND PORT SERVICES CORP. d/b/a)
20 AB TRUCKING, and DOES 1 through 20,)
21 inclusive,)
22 Defendants.)

18 PROPOUNDING PARTY: Defendant OAKLAND PORT SERVICES CORPORATION
19
20 RESPONDING PARTY: Plaintiff GARY GILBERT
21
22 SET: One

22 Pursuant to Code of Civil Procedure § 2030, Plaintiff Gary Gilbert provides the following
23 supplemental responses to Defendant's Form Interrogatories - General, Set One as follows:

24 **GENERAL OBJECTIONS**

25 The following responses are made solely for purposes of this action. These supplemental
26 responses are based upon information presently available to Plaintiff, and no incidental or implied
27 admissions are intended hereby.

28 Plaintiff objects to the form interrogatories general set one, to the extent that they seek

1 information not presently in the possession of Plaintiff due to the fact that Plaintiff has not yet
2 completed her investigation of the facts related to this case, or completed discovery, or preparation
3 for trial. Plaintiff's investigation, discovery, and trial preparation are continuing, and may produce
4 information relevant to these interrogatories. The following responses are given without prejudice
5 to Plaintiff's right to produce any evidence subsequently discovered.

6 Plaintiff generally objects to these discovery requests as seeking information more readily
7 available to Defendants from other sources and/or already in possession of the propounding
8 Defendants, and as seeking information protected by the attorney-client privilege and work
9 product.

10 Subject to these general objections and without waiving any previously asserted objections,
11 Plaintiff provides the following supplemental responses:

12 **INTERROGATORIES**

13 **FORM INTERROGATORY NO. 17.1:**

14 Is your response to each request for admission served with these interrogatories an
15 unqualified admission? If not, for each response that is not an unqualified admission:

- 16 (a) state the number of the request;
- 17 (b) state all facts upon which you base your response;
- 18 (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have
19 knowledge of those facts;
- 20 (d) identify all DOCUMENTS and other tangible things that support your response and
21 state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or
22 thing.

23 **RESPONSE:**

24 **RFA 1:**

25 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
26 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
27 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
28 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and

1 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
2 personal knowledge of whether other employees employed by Defendant during the statutory
3 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
4 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
5 during the statutory period; Defendant would be more likely to have this information.

6 (d) Documents produced by Defendant bates stamp #: Godfrey 2004 0001 – 0245,
7 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
8 0001 – 0111.

9 **RFA 2:**

10 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
11 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
12 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
13 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
14 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
15 personal knowledge of whether other employees employed by Defendant during the statutory
16 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
17 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
18 during the statutory period; Defendant would be more likely to have this information.

19 (d) Plaintiff knows of no documents responsive to this request in his possession,
20 custody and/or control.

21 **RFA 3:**

22 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
23 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
24 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
25 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
26 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
27 personal knowledge of whether other employees employed by Defendant during the statutory
28 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no

1 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
2 during the statutory period; Defendant would be more likely to have this information.

3 (d) Plaintiff knows of no documents responsive to this request in his possession,
4 custody and/or control.

5 **RFA 4:**

6 (c) This interrogatory asks for what Plaintiff "understood." There are no persons who
7 would have personal knowledge of this other than Plaintiff.

8 (d) Plaintiff knows of no documents responsive to this request in his possession,
9 custody and/or control.

10 **RFA 5:**

11 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
12 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
13 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
14 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
15 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
16 personal knowledge of whether other employees employed by Defendant during the statutory
17 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
18 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
19 during the statutory period; Defendant would be more likely to have this information.

20 (d) Plaintiff knows of no documents responsive to this request in his possession,
21 custody and/or control.

22 **RFA 6:**

23 (c) As Plaintiff's response was a denial of this statement, it is not possible to identify
24 persons with knowledge of the absence of this fact.

25 (d) Plaintiff knows of no documents responsive to this request in his possession,
26 custody and/or control.

27 **RFA 7:**

28 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify

1 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
2 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
3 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
4 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
5 personal knowledge of whether other employees employed by Defendant during the statutory
6 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
7 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
8 during the statutory period; Defendant would be more likely to have this information.

9 (d) Documents produced by Defendant bate stamp #: Godfrey 2004 0001 – 0245,
10 Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 – 0557, Godfrey 2008
11 0001 – 0111.

12 **RFA 9:**

13 (c) As Plaintiff's response was a denial of this statement, it is not possible to identify
14 persons with knowledge of the absence of this fact.

15 (d) Plaintiff knows of no documents responsive to this request in his possession,
16 custody and/or control.

17 **RFA 10:**

18 (c) Plaintiff knows of no persons who would have personal knowledge of this other
19 than Plaintiff.

20 (d) Plaintiff knows of no documents responsive to this request in his possession,
21 custody and/or control.

22 **RFA 12:**

23 (c) Plaintiff knows of no persons who would have personal knowledge of this other
24 than Plaintiff.

25 (d) Plaintiff knows of no documents responsive to this request in his possession,
26 custody and/or control other than Exhibit A.

27 **RFA 13:**

28 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify

1 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
2 knowledge at this time, William Aboudi, Trina, Cynthia, and the employee drivers who were
3 responsible for his training at AB Trucking. William Aboudi, Trina and Cynthia have knowledge
4 of which drivers trained Plaintiff.

5 (d) Plaintiff knows of no documents responsive to this request in his possession,
6 custody and/or control.

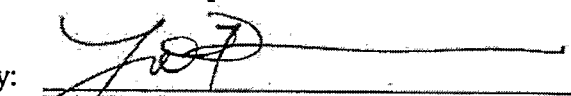
7 **RFA 14:**

8 (c) As Plaintiff's response was a denial of this statement, it is difficult to identify
9 persons with knowledge of the absence of this fact. However, based on Plaintiff's personal
10 knowledge at this time, William Aboudi, Trina, Cynthia, Jovi Aboudi and Beth would have
11 knowledge of facts pertaining to this statement. Plaintiff has no knowledge of the addresses and
12 telephone numbers of these individuals other than Defendant's business address. Plaintiff has no
13 personal knowledge of whether other employees employed by Defendant during the statutory
14 period have knowledge of these facts, though Plaintiff assumes they would. Plaintiff has no
15 personal knowledge of the addresses or telephone numbers of the drivers employed by Defendant
16 during the statutory period; Defendant would be more likely to have this information.

17 (d) Documents produced by Defendant bate stamp #s: OPS 00001 – 00280, Godfrey
18 2004 0001 – 0245, Godfrey 2005 0001 – 0307, Godfrey 2006 0001 – 0423, Godfrey 2007 0001 –
19 0557, Godfrey 2008 0001 – 0111.

20 Dated: January 5, 2010

21 WEINBERG, ROGER & ROSENFELD
22 A Professional Corporation

23 By: 
24 DAVID A. ROSENFELD
25 CAREN P. SENCER
26 LISL R. DUNCAN
27 Attorneys for Plaintiffs

28 118212/555961

VERIFICATION TO FOLLOW

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WEINBERG, ROGER &
ROSENFELD
A Professional Corporation
1101 Marine Village Parkway
Suite 200
Alameda, CA 94501-1091
510.337.1001

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 January 5, 2010, I served upon the following parties in this action:

Via Mail:

Michael A. Broad
166 Santa Clara Ave
Oakland, CA 94610

Via E-mail:

Jay Ian Aboudi
General Counsel
Oakland Port Services Corporation
11 Burma Road
Oakland, CA 94607
Email: jay@abtruck.com


copies of the document(s) described as:

**PLAINTIFF GARY GILBERT'S SUPPLEMENTAL RESPONSES TO
DEFENDANT'S FORM INTERROGATORIES - GENERAL, SET ONE**

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 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 January 5, 2010.



Joanna Son

EXHIBIT H

EXHIBIT H

STEWART WEINBERG
DAVID A. ROSENFELD
WILLIAM A. SOKOL
VINCENT A. HARRINGTON, JR.
W. DANIEL BOONE
BLYTHE NICKELSON
BARRY E. HINKLE
JAMES RUTKOWSKI
SANDRA RAE BENSON
CHRISTIAN L. RAISNER
JAMES J. WESSER
THEODORE FRANKLIN
ANTONIO RUIZ
MATTHEW J. GAUGER
ASHLEY K. MEDA **
LINDA BALDWIN JONES
PATRICIA A. DAVIS
ALAN G. CROWLEY
KRISTINA L. HILLMAN ***
EMILY P. RICH
BRUCE A. HARLAND
CONCEPCION E. LOZANO-BATISTA
CAREN P. SENCER

WEINBERG, ROGER & ROSENFIELD

A PROFESSIONAL CORPORATION

1001 Marina Village Parkway, Suite 200
Alameda, CA 94501-1091
TELEPHONE 510.337.1001
FAX 510.337.1023

LORI K. AQUINO **
ANNE L. YEH
NICOLE M. PHILLIPS
MANJARI CHAWLA
KRISTINA M. ZINNEN
JANNAH V. MANANSALA
MANUEL A. BOGUES ****
KERIANN R. STEELE ***
ANA M. GALLEGOS
GARY P. PROVENCER
LISEL R. DUNCAN
JORDAN D. MAZUR
JACOB J. WHITE
SHARON A. SEIDENSTEIN
LESLIE V. FREEMAN *****

PATRICIA M. GATES, Of Counsel
ROBERTA D. PERKINS, Of Counsel
RICHARD T. DRURY, Of Counsel
NINA FENDEL, Of Counsel

* Also admitted in Arizona
** Admitted in Hawaii
*** Also admitted in Nevada
**** Also admitted in Illinois
***** Also admitted in Missouri

January 13, 2010

Michael A. Broad
166 Santa Clara Ave
Oakland, CA 94610

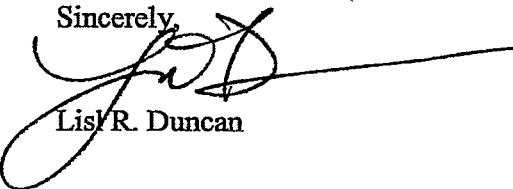
Re: Lavon Godfrey, et al. v. Oakland Port Services Corporation d/b/a AB Trucking
Alameda County Superior Court No. RG 08-379099

Dear Mr. Broad:

Enclosed please find the Verifications of Gary Gilbert with respect to his responses to Special Interrogatories, Set One, and Form Interrogatories – General, Set One.

If you have any questions, please feel free to contact me.

Sincerely,



Lisel R. Duncan

LRD/jk
opeiu 3 afl-cio(1)
Enclosure
cc: Jay Aboudi (via e-mail)
118212/557301

VERIFICATION

I am a PLAINTIFF, in the above-entitled action. I have read the foregoing PLAINTIFF
GARY GILBERT'S SUPPLEMENTAL RESPONSES TO DEFENDANT'S FORM
INTERROGATORIES - GENERAL, SET ONE on file herein and know its contents. I am
informed and believe that the matters stated therein are true and on that ground certify or declare
under penalty of perjury under the laws of the State of California that the same are true and correct.

Executed at ALAMEDA, California on the 7 day of January, 2010.



GARY GILBERT

VERIFICATION

I am a PLAINTIFF, in the above-entitled action. I have read the foregoing PLAINTIFF
GARY GILBERT'S SUPPLEMENTAL RESPONSES TO DEFENDANT'S SPECIAL
INTERROGATORIES, SET ONE on file herein and know its contents. I am informed and believe
that the matters stated therein are true and on that ground certify or declare under penalty of
perjury under the laws of the State of California that the same are true and correct.

Executed at Alameda, California on the 7 day of January, 2010.



GARY GILBERT

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EXHIBIT I

EXHIBIT I

STEWART WEINBERG
DAVID A. ROSENFELD
WILLIAM A. SOKOL
VINCENT A. HARRINGTON, JR.
W. DANIEL BOONE
BLYTHE MICKELSON
BARRY E. HINKLE
JAMES RUTKOWSKI
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BRUCE A. HARLAND
CONCEPCIÓN E. LOZANO-BATISTA
CAREN P. SENCER

WEINBERG, ROGER & ROSENFELD

A PROFESSIONAL CORPORATION

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LESLIE V. FREEMAN

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ROBERTA D. PERKINS, Of Counsel
RICHARD T. DRURY, Of Counsel
NINA FEJDEL, Of Counsel

• Also admitted in Arizona
•• Admitted in Hawaii
••• Also admitted in Nevada
•••• Also admitted in Illinois
••••• Also admitted in Missouri

January 19, 2010

Michael A. Broad
166 Santa Clara Ave
Oakland, CA 94610

Re: Lavon Godfrey, et al. v. Oakland Port Services Corporation d/b/a AB Trucking
Alameda County Superior Court No. RG 08-379099

Dear Mr. Broad:

Enclosed please find Lavon Godfrey's Verifications of Supplemental Responses to Defendant's Special Interrogatories, Set One and Supplemental Responses to Defendant's Form Interrogatories – General, Set One.

If you have any questions, please feel free to contact me.

Sincerely,

Lisl R. Duncan/jk

Lisl R. Duncan

LRD/jk
opeiu 3 afl-cio(1)
Enclosure
cc: Jay Aboudi (via e-mail)
118212/557728

VERIFICATION

I am a PLAINTIFF, in the above-entitled action. I have read the foregoing PLAINTIFF
LAVON GODFREY'S SUPPLEMENTAL RESPONSES TO DEFENDANT'S SPECIAL
INTERROGATORIES, SET ONE on file herein and know its contents. I am informed and believe
that the matters stated therein are true and on that ground certify or declare under penalty of
perjury under the laws of the State of California that the same are true and correct.

Executed at _____, California on the 10 day of January, 2010.


LAVON GODFREY

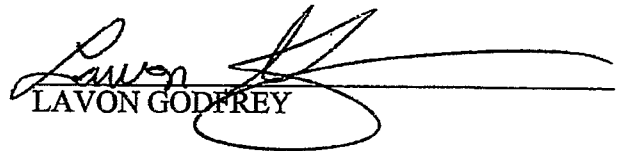
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VERIFICATION

I am a PLAINTIFF, in the above-entitled action. I have read the foregoing PLAINTIFF
LAVON GODFREY'S SUPPLEMENTAL RESPONSES TO DEFENDANT'S FORM
INTERROGATORIES - GENERAL, SET ONE on file herein and know its contents. I am
informed and believe that the matters stated therein are true and on that ground certify or declare
under penalty of perjury under the laws of the State of California that the same are true and correct.

Executed at _____, California on the 10 day of January, 2010.


LAVON GODFREY

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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 January 29, 2010; I served upon the following parties in this action:

Michael A. Broad
166 Santa Clara Ave
Oakland, CA 94610

Jay Ian Aboudi
General Counsel
Oakland Port Services Corporation
11 Burma Road
Oakland, CA 94607

copies of the document(s) described as:

DECLARATION OF LISL R. DUNCAN IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO COMPEL FURTHER ANSWERS TO INTERROGATORIES; AND FOR SANCTIONS

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 January 29, 2010.


Jennifer Koffler

118212/555975