



ORIGINAL

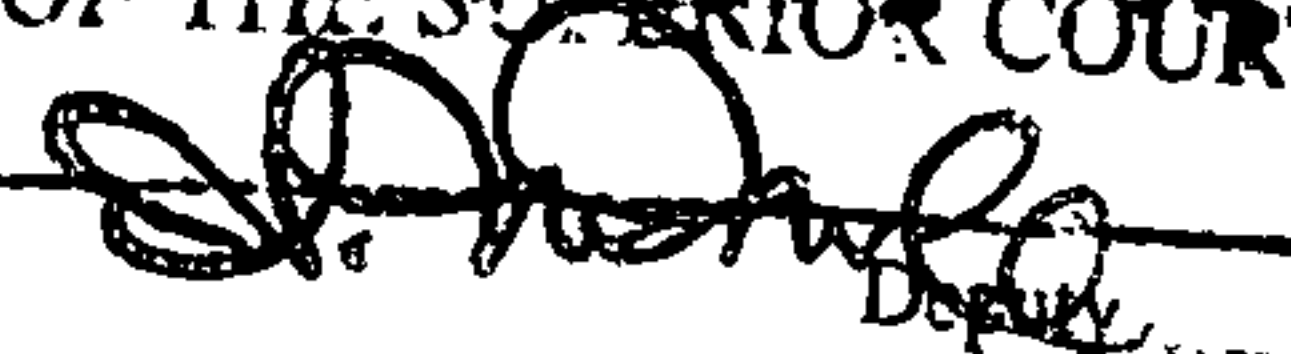
1 DAVID A. ROSENFELD, Bar No. 058163  
2 CAREN P. SENCER, Bar No. 233488  
3 LISL R. DUNCAN, Bar No. 261875  
4 WEINBERG, ROGER & ROSENFELD  
5 A Professional Corporation  
6 1001 Marina Village Parkway, Suite 200  
7 Alameda, California 94501  
8 Telephone (510) 337-1001  
9 Fax (510) 337-1023

10 Attorneys for Plaintiffs  
11 LAVON GODFREY and GARY GILBERT

FILED  
ALAMEDA COUNTY

FEB 08 2012

CLERK OF THE SUPERIOR COURT

By 

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF ALAMEDA

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

12 Plaintiffs,

13 v.

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

16 Defendants.

Case No. RG08379099

**DECLARATION OF LISL R. DUNCAN  
IN SUPPORT OF PLAINTIFFS'  
MOTION IN LIMINE FOR AN ORDER  
EXCLUDING WITNESSES AND  
EVIDENCE**

Date: February 9, 2012, Pretrial Conf.  
Time: 3:00 p.m.  
Dept.: 20  
Judge: Hon. Robert B. Freedman

Trial: February 14, 2012

18 I, Lisl R. Duncan, hereby declare and state as follows:

19 1. I am an attorney duly licensed to practice law before all the courts in the State of  
20 California, and I am an associate with Weinberg, Roger & Rosenfeld, Class counsel of record in  
21 this matter. I have personal knowledge of the following facts, and if called to testify, I could and  
22 would competently testify to each fact contained in this declaration.

23 2. The trial in this matter was originally scheduled to begin November 29, 2011. The  
24 pretrial conference in this matter was scheduled for November 10, 2011.

25 3. Class counsel did not receive a witness list from Defendant by November 7, 2011.

26 4. Class counsel did not receive an index of exhibits and/or copies of exhibits from  
27 Defendant by November 7, 2011.

28 //

EX-100

1           5.       After the passage of time limits set forth in Local Rule 3.35 and the pretrial  
2 conference on November 10, 2011, the trial in this matter was continued to February 14, 2012 by  
3 the Court's Order of November 16, 2011 and its Order Granting Trial Continuance of December  
4 2, 2011.

5           6.       On February 6, 2012, for the first time, a "witness list" was personally served upon  
6 class counsel.

7           7.       On February 6, 2012, Plaintiffs received an "index of exhibits" from Defendant for  
8 the first time.

9           8.       To date, Defendant has not produced to Plaintiffs a set of copies of its proposed  
10 exhibits.

11           9.       On Monday, November 7, 2011 at approximately 4:00 p.m., I exchanged  
12 Plaintiffs' index of exhibits and copies of exhibits with Mr. Jay Aboudi<sup>1</sup> via email. A true and  
13 correct copy of the cover letter to this correspondence is attached herewith as Exhibit A. I  
14 received an auto-response to the email, which stated Mr. Aboudi was out of the office. On  
15 November 7 at approximately 5:00 p.m., I left a voicemail for Mr. Aboudi asking him to call to  
16 meet and confer regarding exhibits and the statement of the case. I left my cell phone number,  
17 advised Mr. Aboudi he could reach Ms. Sencer or Mr. Rosenfeld on the office telephone number,  
18 and suggested he send an email with a time he was available to have a conversation.

19           10.      Class counsel also caused to be personally served on defense counsel, Mr. Aboudi,  
20 Plaintiffs' witness list at approximately 4:20 p.m. on November 7. This witness list was also  
21 delivered to defense counsel by facsimile at 2:38 p.m. A true and correct copy of the proof of  
22 service of this delivery is attached herewith as Exhibit B.

23           11.      I additionally copied Mr. Aboudi on an email to the Court sent at approximately  
24 4:00 p.m. on November 7 regarding motions in limine deadlines.

25           12.      Class counsel received no response to the above-referenced communications, no  
26 other correspondence from Mr. Aboudi, and nothing from any other counsel for Defendant, until  
27 approximately 1:00 p.m. on November 9, 2011 when Mr. Aboudi left me a voicemail at my

28 <sup>1</sup> The Court is familiar with the fact that Mr. Jay Aboudi was counsel for Defendant until Mr. Bryant substituted in on  
November 23, 2011, but Plaintiffs note this for the record.

1 office. Mr. Rosenfeld and Ms. Sencer called Mr. Aboudi at 3:00p.m. on November 9 and left a  
2 voicemail, but received no call in response from Mr. Aboudi.

3 13. Defendant also failed to meet and confer regarding the brief, non-argumentative  
4 statement of the case required by Local Rule 3.35(h), though class counsel mentioned a wish to  
5 discuss this statement on the voicemail left for Mr. Aboudi on November 7.

6 14. The only information provided by Defendant to class counsel leading up to the  
7 pretrial conference on November 10, 2011, was a Notice to Attend and Produce Documents at  
8 Trial, which, according to the proof of service, Defendant served via mail and facsimile on  
9 November 9, 2011. A true and correct copy of Defendant's Notice to Attend and Produce is  
10 attached herewith as Exhibit C. Pursuant to California Code of Civil Procedure sections 1987(c)  
11 and 1013(a), any notice to attend if documents are requested was required to be served November  
12 4, 2011 if sent by mail, or by November 9, 2011 if served by hand.

13 15. Current defense counsel did send a Trial Management Plan listing those witnesses  
14 and exhibits it intends to produce at trial on January 31, 2012. Defendant also personally served  
15 Defendant's witness list and exhibit list on February 6, 2012, but without copies of any exhibits.

16 16. Plaintiffs served Defendant supplemental requests for production of documents  
17 under CCP section 2031.050(a) and (b) on September 16, 2011, to which Plaintiffs received no  
18 response. Attached herewith are true and correct copies of Plaintiffs' supplemental requests for  
19 production of documents and supplemental special interrogatories as Exhibit D1 and D2.

20 I declare under penalty of perjury under the laws of the State of California that the  
21 foregoing is true and correct, and that this Declaration was executed by me on February 8, 2012,  
22 at Alameda, California.

23   
24 LISL R. DUNCAN

25 118212/654857  
26  
27  
28

Exhibit A

Exhibit A

STEWART WEINBERG  
DAVID A. ROSENFELD  
WILLIAM A. SOKOL  
VINCENT A. HARRINGTON, JR.  
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 \*\*  
LINDA BALDWIN JONES  
PATRICIA A. DAVIS  
ALAN G. CROWLEY  
KRISTINA L. HILLMAN \*\*\*  
EMILY P. RICH  
BRUCE A. HARLAND  
CONCEPCIÓN E. LOZANO-BATISTA  
CAREN P. SENCER  
ANNE I. YEN  
JANNAH V. MANANSALA  
KRISTINA M. ZINNEN  
MANUEL A. BOIGUES \*\*\*\*

**WEINBERG, ROGER & ROSENFELD**  
**A Professional Corporation**  
1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501  
TELEPHONE (510) 337-1001  
FAX (510) 337-1023

LORI K. AQUINO \*\*  
KERIANNE R. STEELE \*\*\*  
GARY P. PROVENCHER  
LISL R. DUNCAN  
JORDAN D. MAZUR  
JACOB J. WHITE  
SHARON A. SEIDENSTEIN  
LESLIE V. FREEMAN \*\*\*\*  
EZEKIEL D. CORDER \*\*\*\*\*  
YURI Y. GOTTESMAN  
ADAM J. LUETTO  
MONICA T. GUIZAR  
SARAH R. WRIGHT-SCHREIBERG  
RUSSELL NAYMARK

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

\* Also admitted in Arizona  
\*\* Admitted in Hawaii  
\*\*\* Also admitted in Nevada  
\*\*\*\* Also admitted in Illinois  
\*\*\*\*\* Also admitted in Missouri  
\*\*\*\*\* Also admitted in New York

November 7, 2011

**VIA EMAIL**

Mr. Jay Ian Aboudi  
The Law Office of Jay Ian Aboudi  
1855 Olympic Boulevard, Suite 210  
Walnut Creek, CA 94596

Re: Lavon Godfrey, et al. v. Oakland Port Services Corporation d/b/a AB Trucking  
Alameda County Superior Court, Case No. RG08379099

Dear Mr. Aboudi:

Attached please find Plaintiffs' Notice to Produce in the above-referenced matter.

In addition, pursuant to Local Rule 3.35, attached please find Plaintiffs' index of exhibits and copies of exhibits. I will give you a call soon to meet and confer regarding the exhibits and our statement of the case.

Sincerely,

  
Lisl R. Duncan

LRD:jk  
opeiu 3 afl-cio(1)  
Attachments  
118212/643894

**Exhibit A**

Exhibit B

Exhibit B

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE  
(CCP §1013)**

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On November 7, 2011, I served the following documents in the manner described below:

**PLAINTIFFS' WITNESS LIST**

- (BY U.S. MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing with the United States Parcel Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Alameda, California.
- (BY FACSIMILE) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- (BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by United Parcel Service for overnight delivery.
- (BY PERSONAL DELIVERY) I caused such envelope to be delivered by hand to the offices of each addressee below.

On the following part(ies) in this action:

Mr. Jay Ian Aboudi  
The Law Office of Jay Ian Aboudi  
1855 Olympic Boulevard, Suite 210  
Walnut Creek, CA 94596  
(925) 465-5169 (fax)  
jay@aboudi-law.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 7, 2011, at Alameda, California.

  
Jennifer Koffler

TRANSMISSION VERIFICATION REPORT

TIME : 11/07/2011 14:40  
NAME : WEINBERG ET AL  
FAX : 15103371023  
TEL : 5103371001  
SER. # : BROH0J196347

DATE, TIME 11/07 14:38  
FAX NO. /NAME 19254655169  
DURATION 00:01:24  
PAGE(S) 04  
RESULT OK  
MODE STANDARD  
ECM

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

Telephone: (510) 337-1001  
Fax: (510) 337-1023

DATE: NOVEMBER 7, 2011 JK

FROM: LISL R. DUNCAN

RE: GODFREY, ET AL. V. OAKLAND PORT SERVICES CORP. D/B/A AB TRUCKING, ET AL.

PLEASE DELIVER AS SOON AS POSSIBLE TO:

RECIPIENT:	FAX #	PHONE #
Mr. Jay Ian Aboudi The Law Office of Jay Ian Aboudi	(925) 465-5169	(925) 465-5162

Total number of pages including this page: 4.  
If you do not receive all the pages, please call and ask for Jennifer Koffler.

Attached please find Plaintiffs' Witness List.



Exhibit C

Exhibit C

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

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

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

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

11 Plaintiffs,

12 v.

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

14 Defendants.

CASE NO. RG 08-379099

**DEFENDANT OAKLAND PORT  
SERVICES CORPORATION'S NOTICE  
TO ATTEND AND PRODUCE  
DOCUMENTS AT TRIAL**

**Trial Date: November 29, 2011**

15 TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

16 Pursuant to Code of Civil Procedure section 1987[b] and [c] Defendant Oakland Port  
17 Services Corporation d/b/a AB Trucking ("AB") hereby requests that Plaintiffs Lavon Godfrey  
18 and Gary Gilbert appear at the trial in this matter commencing on November 29, 2011, in the  
19 Alameda County Superior Court, Department 20, located at 1225 Fallon Street, Oakland,  
20 California, and bring with them to the trial the following documents (writings as defined in  
21 California Evidence Code Section 250):

- 22 1. All originals and any copies of depositions taken in this matter.
- 23 2. All originals and any copies of discovery taken in this matter.
- 24 3. The original and any copies of the deposition transcript of William Aboudi

25 Dated: November 9, 2011

JAY IAN ABOUDI, ATTORNEY AT LAW

26   
27 JAY IAN ABOUDI

Attorney for Defendant OAKLAND PORT  
28 SERVICES CORPORATION d/b/a AB TRUCKING

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

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

**DEFENDANT OAKLAND PORT SERVICES CORPORATION'S NOTICE TO ATTEND AND PRODUCE DOCUMENTS AT TRIAL**

- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in United States mail in the State of California at Walnut Creek, addressed as set forth below.
- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date.
- by placing the document(s) listed above in a sealed envelope and causing the same to be hand delivered to the person(s) at the address(es) set forth below.

**Lisl Duncan, Esq.**  
**Weinberg, Roger & Rosenfeld**  
A Professional Corporation  
1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501-1091  
Fax: (510) 337-1023

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

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 9, 2011 at Walnut Creek, California.

  
\_\_\_\_\_  
Jay Aboudi, Esq.

Exhibit D - 1

Exhibit D - 1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DAVID A. ROSENFELD, Bar No. 058163  
CAREN P. SENCER, Bar No. 233488  
LISL R. DUNCAN, Bar No. 261875  
WEINBERG, ROGER & ROSENFELD  
A Professional Corporation  
1001 Marina Village Parkway, Suite 200  
Alameda, California 94501  
Telephone (510) 337-1001  
Fax (510) 337-1023

Attorneys for Plaintiffs  
LAVON GODFREY and GARY GILBERT

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

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

Plaintiffs,

v.

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

Defendants.

Case No. RG08379099

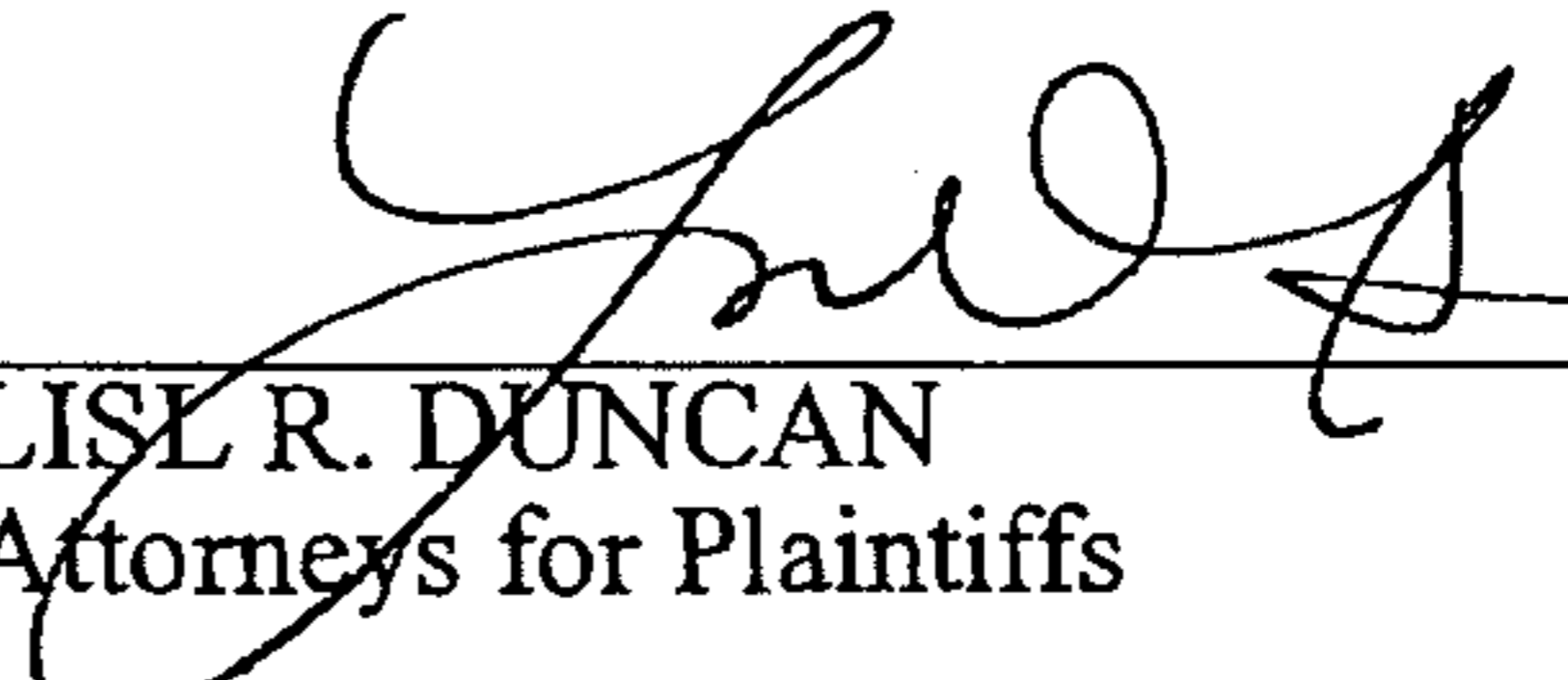
**PLAINTIFFS' SUPPLEMENTAL  
DEMAND FOR RESPONSE TO  
PRODUCTION OF DOCUMENTS**

Judge: Hon. Robert B. Freedman

In accordance with Code of Civil Procedure section 2031.050(a) and (b), this is a  
supplemental demand for production for all DOCUMENTS responsive to Plaintiffs' Request for  
Production of Documents, Set One (Requests 1-47) that were acquired or discovered after YOUR  
initial response to Plaintiffs' Request for Production of Documents.

Dated: September 16, 2011

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

  
LISL R. DUNCAN  
Attorneys for Plaintiffs

118212/636613

**Exhibit D-1**

**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 September 16, 2011, I served upon the following parties in this action:

Jay Ian Aboudi  
The Law Office of Jay Ian Aboudi  
1855 Olympic Blvd., Ste. 210  
Walnut Creek, CA 94596  
[jay@aboudi-law.com](mailto:jay@aboudi-law.com)

copies of the document(s) described as:

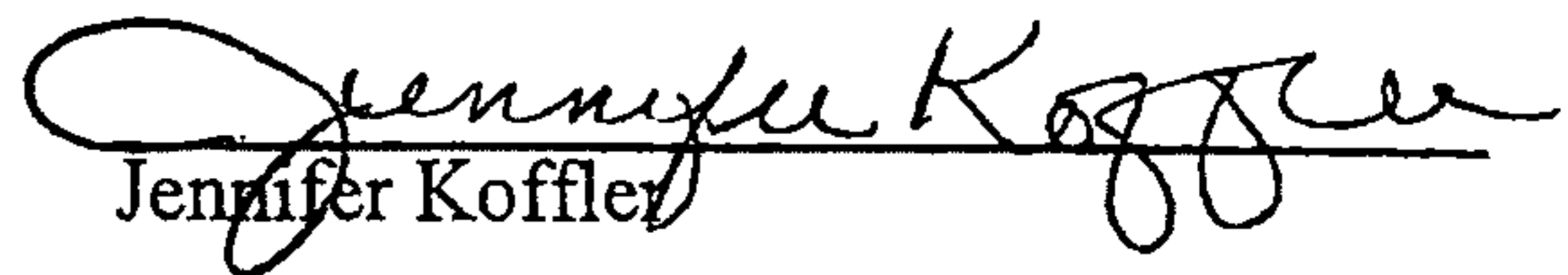
**PLAINTIFFS' SUPPLEMENTAL DEMAND FOR RESPONSE TO PRODUCTION OF DOCUMENTS**

**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 September 16, 2011.

  
Jennifer Koffler

118212/555975

Exhibit D - 2

Exhibit D - 2

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  
8 Telephone (510) 337-1001  
9 Fax (510) 337-1023

6 Attorneys for Plaintiffs  
LAVON GODFREY and GARY GILBERT

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

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

13 Plaintiffs,

14 v.

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

17 Defendants.

Case No. RG08379099

**PLAINTIFFS' SUPPLEMENTAL  
DEMAND FOR RESPONSE TO  
SPECIAL INTERROGATORIES**

Judge: Hon. Robert B. Freedman

18 In accordance with Code of Civil Procedure section 2030.070 (a) and (b), this is a  
19 supplemental demand for responses to Plaintiffs' Special Interrogatories, Set One (Interrogatories  
20 1-54) that were acquired or discovered after YOUR initial response to Plaintiffs' Special  
21 Interrogatories.

22 Dated: September 16, 2011

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

23   
24 LISL R. DUNCAN  
25 Attorneys for Plaintiffs

26 118212/637029

27  
28 **Exhibit D-2**



**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 September 16, 2011, I served upon the following parties in this action:

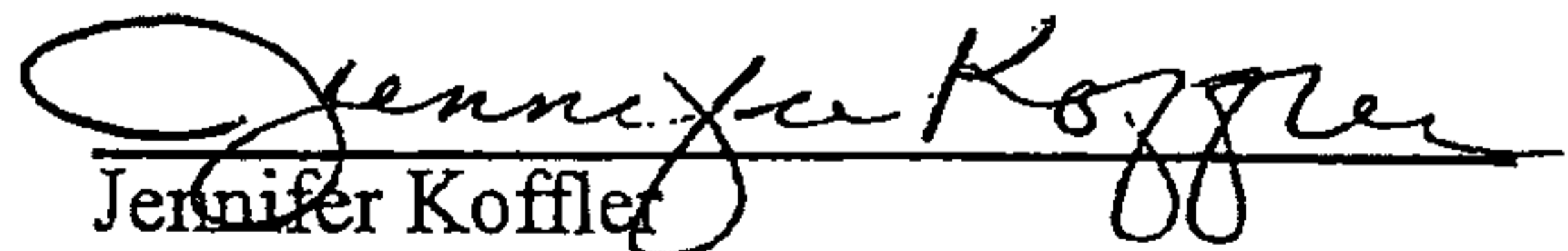
Jay Ian Aboudi  
The Law Office of Jay Ian Aboudi  
1855 Olympic Blvd., Ste. 210  
Walnut Creek, CA 94596  
[jay@aboudi-law.com](mailto:jay@aboudi-law.com)

copies of the document(s) described as:

**PLAINTIFFS' SUPPLEMENTAL DEMAND FOR RESPONSE TO SPECIAL INTERROGATORIES**

- 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 September 16, 2011.

  
Jennifer Koffler

118212/555975

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE  
(CCP §1013)**

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On February 8, 2012, I served the following documents in the manner described below:

**DECLARATION OF LISL R. DUNCAN IN SUPPORT OF PLAINTIFFS' MOTION IN LIMINE FOR AN ORDER EXCLUDING WITNESSES AND EVIDENCE**

- (BY U.S. MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing with the United States Parcel Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Alameda, California.
- (BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by United Parcel Service for overnight delivery.
- (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.
- (BY ELECTRONIC SERVICE) By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from jkoffler@unioncounsel.net to the email addresses set forth below.

On the following part(ies) in this action:

Mr. Guy A. Bryant  
Bryant & Brown  
476 3rd Street  
Oakland, CA 94607  
(510) 836-7564 (fax)  
guybryant@bryantbrownlaw.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 8, 2012, at Alameda, California.

  
Jennifer Koffler

118212/651241