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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 IN AND FOR THE COUNTY OF ALAMEDA

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

16 Plaintiffs,

17 v.

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

21 Defendants.

Case No. RG08379099

FEB 08 2012

**[PROPOSED] ORDER GRANTING
 PLAINTIFFS' MOTION IN LIMINE
 EXCLUDING WITNESSES AND
 EVIDENCE**

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

Trial Date: February 14, 2012

22 This matter came on for Pre-Trial Conference on February 9, 2012 at which time the
 23 Court considered Plaintiffs' Motion in Limine for an Order Excluding Witnesses and Evidence.
 24 Plaintiffs and Defendant Oakland Port Services Corp., d/b/a AB Trucking appeared through its
 25 respective counsel.

26 After full consideration of the motion and the evidence and points and authorities as well
 27 as the oral arguments of counsel, the Court hereby:

- 28 1. Excludes any witnesses offered by Defendant at trial and prevents any mention of
 the excluded witnesses, as untimely in violation of Local Rules of the Superior Court of the State
 of California, Alameda County ("Local Rules"), Rule 3.35(f);
2. Excludes any exhibits offered by Defendant at trial and prevents any mention of
 the excluded exhibits, as untimely in violation of Local Rule 3.35(b);

FAXED

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3. Specifically excludes Exhibits listed on Defendant's Exhibit List:

- Exhibit 1 on the grounds it is hearsay
- Exhibit 2 on the grounds it is prejudicial
- Exhibit 3 on the grounds it is prejudicial
- Exhibit 4 on the grounds it is hearsay and under CCP §2025.620
- Exhibit 5 on the grounds it is hearsay and under CCP §2025.620
- Exhibit 6 on the grounds it is hearsay and under CCP §2025.620
- Exhibit 7 on the grounds it is hearsay and under CCP §2025.620

IT IS SO ORDERED.

Dated: _____, 2012

By: JUDGE ROBERT B. FREEDMAN

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**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:

[PROPOSED] ORDER GRANTING 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

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