



FILED  
ALAMEDA COUNTY

FEB 03 2012

CLERK OF THE SUPERIOR COURT  
By *[Signature]*

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

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 IN AND FOR THE COUNTY OF ALAMEDA

14 LAVON GODFREY and GARY GILBERT, on  
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.

Case No. RG08379099

**DECLARATION OF LISL R. DUNCAN  
IN SUPPORT OF PLAINTIFFS'  
NOTICE OF MOTION AND MOTION  
TO QUASH AND OBJECTION TO  
DEFENDANT'S NOTICE TO ATTEND  
TRIAL AND PRODUCE DOCUMENTS  
[CCP § 1987(C)]**

Date: February 9, 2012, Pretrial Conf.  
Time: 3:00 p.m.  
Dept.: 20  
Judge: Hon. Robert B. Freedman  
Reservation Number: R - 1259604

Trial Date: February 14, 2012

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

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

28 2. A true and correct copy of Defendant's Notice to Attend and Produce Documents  
and Things at Trial; CCP § 1987, received January 26, 2012, is attached hereto as **Exhibit A.**

//

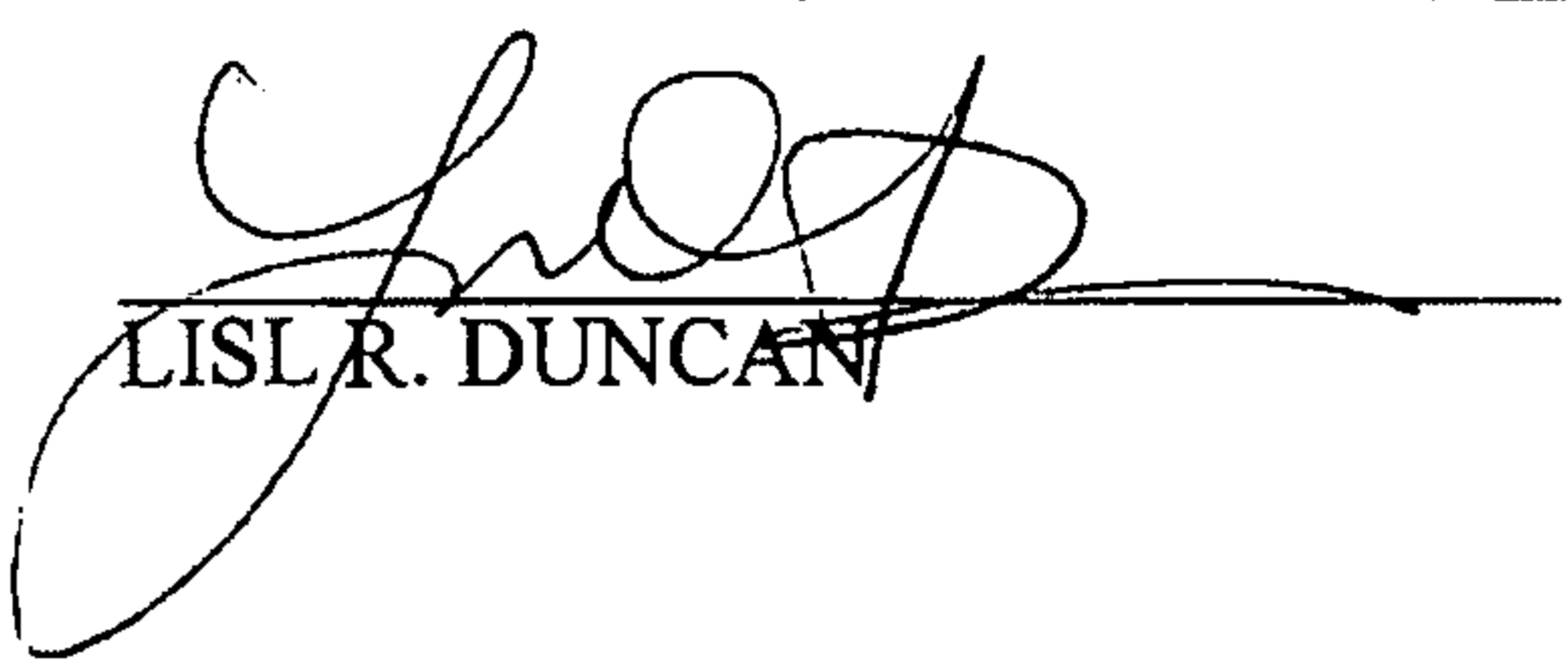
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was executed by me on February 2, 2012, at Alameda, California.

118212/653693



LISL R. DUNCAN

Exhibit A

Exhibit A

RECEIVED

JAN 26 2012

WR & R

1 Meredith E. Brown - 142134  
Guy A. Bryant -146190  
2 The Law Office of Bryant & Brown  
476 Third Street  
3 Oakland, CA 94607  
(510) 836-7563 (Telephone)  
4 (510) 836-7564 (Facsimile)

5 Attorney for Defendant  
6 OAKLAND PORT SERVICES CORP. d/b/a  
AB TRUCKING, a California Corporation,

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

11 LAVON GODFREY and GARY GILBERT,  
12 on behalf of themselves and all other similarly  
situated,  
13 Plaintiffs,

14 vs.

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

17 Defendant.  
18  
19  
20

) Case No.: RG 08-379099

) **NOTICE TO ATTEND AND PRODUCE**  
) **DOCUMENTS AND THINGS AT TRIAL;**  
) **CCP § 1987**

) Action Filed: March 28, 2008

) Dept.: 20

) Time: 9:30 a.m.

) Set for Trial: February 14, 2012

) Before Honorable Judge Robert B. Freedman

COPY TO CALENDAR

JAN 26 2012

WR & R

DOCKET

Exhibit A

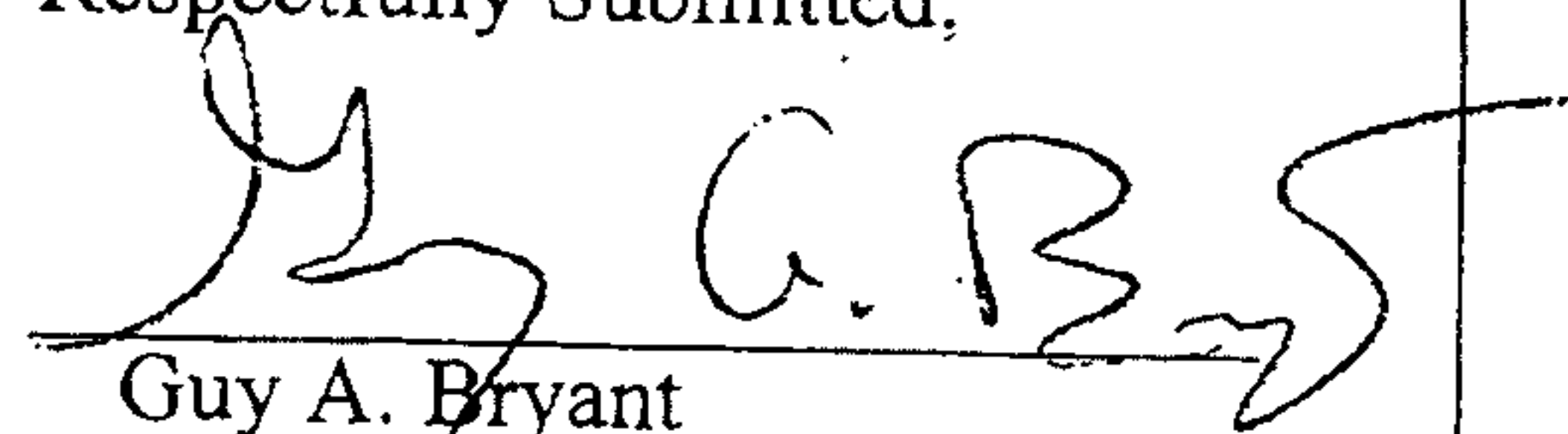
1 TO EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH PARTY IN THIS  
2 ACTION:

3 Pursuant to Code of Civil Procedure section 1987[b] and [c] requests that Lavon Godfrey, Gary  
4 Gilbert, and other plaintiffs included in the represented class action that have not "opted out"  
5 (i.e., members of the purported class action) appear at the trial in this matter commencing on  
6 February 14, 2012 at 9:30 a.m. in Department 20 of this Court, located at the Alameda County  
7 Superior Court, 1221 Oak Street, Oakland, California, and bring with them to the trial the  
8 following documents (writings as defined in California Evidence Code Section 250):

- 9
- 10 1. All originals and any copies of deposition transcripts created in connection with this  
11 litigation.
  - 12 2. All originals and any copies of discovery taken in this matter, including but not  
13 limited to, reports created by designated experts, photographs, diagrams, appraisals,  
14 reports, etc.
  - 15 3. The original and any copies of the deposition transcripts of Lavon Godfrey, Gary  
16 Gilbert, David Blyth, and Jose Luis Navarro,
  - 17 4. The original and any copies of the deposition transcripts of Jovi Aboudi and Bill  
18 Aboudi.

19 Dated this 18th day of January, 2012.

20 Respectfully Submitted,

21 

22 Guy A. Bryant  
23 Bryant & Brown  
24 Attorneys for Defendant  
25

RECEIVED

JAN 26 2012

WR & R

1 Meredith E. Brown - 142134  
 2 Guy A. Bryant -146190  
 3 The Law Office of Bryant & Brown  
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 3 Oakland, CA 94607  
 (510) 836-7563 (Telephone)  
 4 (510) 836-7564 (Facsimile)

5 Attorney for Defendant  
 6 OAKLAND PORT SERVICES CORP. d/b/a  
 AB TRUCKING, a California Corporation,

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

11 LAVON GODFREY and GARY GILBERT,  
 12 on behalf of themselves and all other similarly  
 situated,  
 13 Plaintiffs,  
 14 vs.  
 15 OAKLAND PORT SERVICES CORP. d/b/a  
 16 AB TRUCKING, and DOES 1-20  
 17 Defendant.

) Case No.: RG 08-379099  
 )  
 ) **PROOF OF SERVICE**  
 )  
 ) Action Filed: March 28, 2008  
 ) Date: February 9, 2012  
 ) Dept.: 20  
 ) Time: 2:00 p.m.  
 ) Reservation Number: R-1249926  
 ) Set for Trial: February 14, 2012  
 ) Before Honorable Judge Robert B. Freedman

22 **PROOF OF SERVICE**

23 I am employed in the County of Alameda, State of California. I am over the age of 18  
 24 and not a party to the within action. My business address is 476 Third Street, Oakland,  
 California, 94607.

25 On January 18, 2012, I served the foregoing documents described as:

1 **NOTICE TO ATTEND AND PRODUCE DOCUMENTS AND THINGS AT TRIAL**

2 on the interested parties in this action by placing a true copy thereof enclosed in a  
3 sealed envelope addressed as follows:

4 **SEE MAILING LIST INCLUDED HEREIN**

5

6 (BY MAIL) I am readily familiar with the firm's practice of collection and  
7 processing correspondence for mailing. Under that practice it would be  
8 deposited with U.S. postal service on that same day with postage thereon fully  
9 prepaid at Oakland, California in the ordinary course of business.

10

11 (BY FACSIMILE) by faxing a true and correct copy thereof to the person(s) at the  
12 fax number set forth above.

13

14 (BY FEDERAL EXPRESS) by using express mail service and causing to be  
15 delivered overnight next day delivery a true copy thereof to the person(s) at the  
16 address set forth above.

17

18 (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand  
19 to the offices of the addressee.

20

21 (FEDERAL) I declare that I am employed in the office of a member of the bar  
22 of this court at whose direction the service was made.

23

24 (STATE) I declare under penalty of perjury under the laws of the State of  
25 California that the above is true and correct.

26 TYRON JORDAN

Signature 

**SERVICE LIST**

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**VIA U.S. MAIL ON ALL PARTIES LISTED HEREIN:**

**Attorney for: LAVON GODFREY and GARY GILBERT, ET AL.**

David A. Rosenfeld  
Lisl R. Duncan  
Weinberg, Roger & Rosenfeld  
A Professional Corporation  
1001 Marina Village Parkway, Suite 200  
Alameda, California 94501-1091



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

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

7 On February 2, 2012, I served the following documents in the manner described below:

8 **DECLARATION OF LISL R. DUNCAN IN SUPPORT OF PLAINTIFFS' NOTICE OF**  
9 **MOTION AND MOTION TO QUASH AND OBJECTION TO DEFENDANT'S NOTICE**  
10 **TO ATTEND TRIAL AND PRODUCE DOCUMENTS [CCP § 1987(c)]**

- 11  (BY U.S. MAIL) I am personally and readily familiar with the business practice of  
12 Weinberg, Roger & Rosenfeld for collection and processing of correspondence for  
13 mailing with the United States Parcel Service, and I caused such envelope(s) with  
14 postage thereon fully prepaid to be placed in the United States Postal Service at  
15 Alameda, California.
- 16  (BY OVERNIGHT MAIL) I am personally and readily familiar with the business  
17 practice of Weinberg, Roger & Rosenfeld for collection and processing of  
18 correspondence for overnight delivery, and I caused such document(s) described herein  
19 to be deposited for delivery to a facility regularly maintained by United Parcel Service  
20 for overnight delivery.
- 21  (BY ELECTRONIC SERVICE) By electronically mailing a true and correct copy  
22 through Weinberg, Roger & Rosenfeld's electronic mail system from  
23 jkoffler@unioncounsel.net to the email addresses set forth below.

24 On the following part(ies) in this action:

25 Mr. Guy A. Bryant  
26 Bryant & Brown  
27 476 3rd Street  
28 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 2, 2012, at Alameda, California.

  
Jennifer Koffler

118212/651241