

MC-052

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>): Jay Ian Aboudi, Esq. (SBN: 251984) 1855 Olympic Blvd., Ste. 210 Walnut Creek, CA 94596 TELEPHONE NO.: (925) 465-5155 FAX NO.: (925) 465-5169 ATTORNEY FOR (<i>Name</i>): Defendant Oakland Port Services Corporation	FILED BY FAX^{LY} ALAMEDA COUNTY October 11, 2011 CLERK OF THE SUPERIOR COURT By Rosanne Case, Deputy CASE NUMBER: RG08379099
NAME OF COURT: Superior Court of California, County of Alameda STREET ADDRESS: 1221 Oak Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland 94612 BRANCH NAME: Administration Building	CASE NUMBER: RG 08-379099 HEARING DATE: November 17, 2011 DEPT.: 20 TIME: 02:00 PM BEFORE HON.: Robert B. Freedman DATE ACTION FILED: March 28, 2008 TRIAL DATE: November 29, 2011
CASE NAME: Godfrey et al. v. Oakland Port Services Corporation d/b/a	
DECLARATION IN SUPPORT OF ATTORNEY'S MOTION TO BE RELIEVED AS COUNSEL—CIVIL	

Reservation # R-1226370

1. **Attorney and Represented Party.** Attorney (*name*): **Jay Ian Aboudi** is presently counsel of record for (*name of party*): **Oakland Port Services Corporation d/b/a AB Trucking** in the above-captioned action or proceeding.
2. **Reasons for Motion.** Attorney makes this motion to be relieved as counsel under Code of Civil Procedure section 284(2) instead of filing a consent under section 284(1) for the following reasons (*describe*):
Please see Attachment 2.

Continued on Attachment 2.

3. Service

a. Attorney has

- (1) personally served the client with copies of the motion papers filed with this declaration. A copy of the proof of service will be filed with the court at least 5 days before the hearing.
- (2) served the client by mail at the client's last known address with copies of the motion papers served with this declaration.

b. If the client has been served by mail at the client's last known address, attorney has

- (1) confirmed within the past 30 days that the address is current
 - (a) by mail, return receipt requested.
 - (b) by telephone.
 - (c) by conversation.
 - (d) by other means (*specify*):

(Continued on reverse)

Page 1 of 2

MC-052

CASE NAME: Godfrey et al. v. Oakland Port Services Corporation d/b/a	CASE NUMBER: RG 08-379099
--	-------------------------------------

3. b. (2) been unable to confirm that the address is current or to locate a more current address for the client after making the following efforts:
- (a) mailing the motion papers to the client's last known address, return receipt requested.
- (b) calling the client's last known telephone number or numbers.
- (c) contacting persons familiar with the client (*specify*):
- (d) conducting a search (*describe*):
- (e) other (*specify*):
- c. Even if attorney has been unable to serve the client with the moving papers, the court should grant attorney's motion to be relieved as counsel of record (*explain*):
4. The next hearing scheduled in this action or proceeding
- a. is not yet set.
- b. is set as follows (*specify the date, time, and place*):
 10/19/2011 (Wednesday), 03:00 PM, Department 20
- c. concerns (*describe the subject matter of the hearing*):
 Status re: Complex Case Fees
- Continued on Attachment 4.
5. The following additional hearings and other proceedings (including discovery matters) are presently scheduled in this case (*for each, describe the date, time, place, and subject matter*):
- Case Management Conference - 10/28/2011 (Friday), 02:00 PM, Department 20;
 - Plaintiffs' Motion for Summary Adjudication - 10/28/2011 (Friday), 02:00 PM, Department 20;
 - Case Management Conference - 11/10/2011 (Thursday), 03:00 PM, Department 20;
- Continued on Attachment 5.
6. Trial in this action or proceeding
- a. is not yet set.
- b. is set as follows (*specify the date, time, and place*):
 11/29/2011 (Tuesday), 09:30 AM, Department 20
7. **Other.** Other matters that the court should consider in determining whether to grant this motion are the following (*explain*):

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

Date: October 11, 2011

Jay Ian Aboudi

(TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)

8. Number of pages attached: 4

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

7 Attorney for Defendant
 8 OAKLAND PORT SERVICES CORPORATION
 9 d/b/a AB TRUCKING (erroneously sued as AB
 10 TRUCKING, INC.)

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 12 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
 19 CORPORATION d/b/a AB TRUCKING, and
 20 DOES 1 through 20, inclusive,

21 Defendants.

CASE NO. RG 08-379099

**ATTACHMENT 2 TO DECLARATION
 IN SUPPORT OF ATTORNEY'S
 MOTION TO BE RELIEVED AS
 COUNSEL—CIVIL**

22 I, JAY IAN ABOUDI, declare:

23 1. I am an attorney at law in good standing, licensed by the State of California to practice
 24 in all the courts of the State of California and in this court. I serve as counsel of record on behalf
 25 of defendant OAKLAND PORT SERVICES CORPORATION d/b/a AB TRUCKING in the
 26 above captioned action. I have personal knowledge of the facts set forth in the following
 27 declaration and if called as a witness I could and would testify as set forth herein. I submit this
 28 present declaration in support of my motion to be relieved as counsel in the above-captioned
 action.

1 2. I am a sole practitioner. On September 20 2011, my psychiatrist, Doctor Richard Silver
2 informed me of the following personal medical condition. A true and correct copy of a letter
3 from Doctor Silver regarding my medical condition is attached hereto as **EXHIBIT A**.

4 3. On account of the medical condition detailed in paragraph 2 above, I am presently
5 withdrawing as counsel of record in all cases I am presently litigating on behalf of all of my
6 clients in all courts and in this present action, like in the other actions, I am trying to locate
7 substitute counsel. I am seeking help in this endeavor.

8 4. On account of the medical condition detailed in paragraph 2 above, I am presently
9 withdrawing as counsel of record in all cases I am presently litigating on behalf of all of my
10 clients in all courts and in this present action, like in the other actions, I am trying to locate
11 substitute counsel. I am seeking help in this endeavor.

12 5. It is my good faith belief that substantial harm and prejudice would be experienced by
13 my client if because of my debility it was to go unrepresented in the hearings and proceedings in
14 this case. My client is a corporate entity and obviously cannot represent itself, but must be
15 represented through counsel.


16 6. Starting on September 20, 2011, immediately upon receiving word from my
17 psychiatrist as outlined above, I began to seek replacement counsel. Between September 20,
18 2011 and the date of this present declaration (October 7, 2011), I have spent approximately 17
19 hours attempting to secure the services of an attorney who would be willing to handle the above-
20 captioned matter. I have been unsuccessful. Despite diligent and ongoing efforts, neither my
21 client nor I have been able to secure replacement counsel in order to file a written substitution of
22 attorney using Judicial Council Form-050. Hence I make this present motion using Form-051,
23 supported by this present declaration. During the notice period for the hearing on this present
24 motion, I will continue diligently to attempt to secure the commitment of an attorney to
25 substitute in as replacement counsel to serve as counsel of record for my client. I presently do not
26 know how long it will take for my clients, with my help, to find replacement counsel, but I will
27 instruct my clients and replacement counsel to inform opposing counsel and the court by means

28 //

1 of a written substitution of attorney and other appropriate notice if we find one before the time of
2 hearing on the motion to which this present declaration pertains.

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

5 Dated: October 7, 2011

6 
7 JAY IAN ABOUDI

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

The Permanente Medical Group, Inc.

PSYCHIATRY
710 S. Broadway Street
Walnut Creek CA 94596-5294
Main: 925-295-4000

September 20, 2011

To Whom It May Concern
Regarding Jay Ian Aboudi

I'm writing at the request of Mr. Aboudi to provide the following information:

Mr. Aboudi is under my care for a Psychological condition that has currently rendered him unable to perform the necessary tasks of his profession.

I would estimate that Mr. Aboudi may need to take a leave of absence from his professional duties for approximately the next three months.

The subject will be seen with some regularity over the course of this time.

I appreciate your consideration in this matter.

Sincerely,



Richard Silver, M.D.
Staff Psychiatrist