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ORIGINAL

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LAVON GODFREY and GARY GILBERT

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

11 LAVON GODFREY and GARY GILBERT,
on behalf of themselves and all others
12 similarly situated,
13 Plaintiffs,
14 v.
15 OAKLAND PORT SERVICES CORP. d/b/a
AB Trucking, and DOES 1 through 20,
16 inclusive,
17 Defendants.

Case No. RG08379099
[PROPOSED] ORDER
RE: APPROVAL OF CLASS NOTICE OF
JUDGMENT; AUTHORIZATION OF
DISTRIBUTION
Dept. 20
Judge: Hon. Robert B. Freedman
Action Filed: March 28, 2008
Trial Date: February 14, 2012

19
20 Plaintiffs filed and served a [Proposed] Class Notice of Judgment on June 6, 2013, a true
21 and correct copy of which is attached herewith as Exhibit A. After full consideration of the
22 [Proposed] Class Notice of Judgment, upon good cause showing,

23 IT IS HEREBY ORDERED:

- 24 1. The Class Notice of Judgment, Exhibit A, is approved;
25 2. Plaintiffs' counsel is authorized to distribute the Class Notice of Judgment via
26 regular U.S. mail after performing a preliminary address verification and update using Westlaw of
27 the addresses on the Class List provided to Plaintiffs by AB Trucking in March 2011;

RECEIVED
ALAMEDA COUNTY
JUN 13 2013
CLERK OF THE SUPERIOR COURT
BY [Signature] Deputy

FAXED

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3. Any further mechanism by which any additional correspondence or monies would be sent to the Class will be addressed with the Court at a later date.

Date: _____

Honorable Robert B. Freedman

118212/721081

ENDORSED
FILED
ALAMEDA COUNTY

2013 JUN -6 PM 2:24

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF ALAMEDA

CLERK OF THE SUPERIOR COURT
M. SALCIDO, DEPUTY

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

) Case No. RG08379099
) [PROPOSED] CLASS NOTICE OF
) JUDGMENT

Plaintiffs,

v.

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

Defendants.

TO ALL DRIVERS WHO PERFORMED WORK FOR AB TRUCKING DURING THE PERIOD
OF MARCH 28, 2004 - MARCH 16, 2011:

**A Judgment has issued in favor of a Class of drivers and against Defendant
Oakland Port Services d/b/a AB Trucking.**

**This notice provides important information about your rights in connection
with that lawsuit. Please read it carefully. You are not being sued.**

A. SUMMARY OF LAWSUIT

A lawsuit was filed in the California Superior Court for the County of Alameda, against Oakland Port Services Corp., d/b/a AB Trucking ("AB Trucking" or "Defendant") by former employees and/or "unpaid trainees" of AB Trucking, Case No. RG08379099. The Court determined the case could proceed as a class action, which is a lawsuit in which one or more persons sue on behalf of themselves and others who have similar claims.

The Court issued a Judgment in the case on May 21, 2013, which determined that all drivers, whether they were classified as employees or unpaid trainees, who worked for AB Trucking between March 28, 2004 and March 16, 2011, were subject to violations of California wage and hour laws, as well as violations of the Unfair Competition Law.

B. WHO IS COVERED BY THIS LAWSUIT?

This lawsuit affects the following groups of individuals (collectively "Class" or "Class Members"):

Class:

All drivers who performed work for AB Trucking out of its Oakland, California facility from the period of March 28, 2004 through March 16, 2011.

If you have received this notice, it is because AB Trucking's records show that you are a Class Member. The Judgment provides for compensation for drivers in the Class who were not paid for all hours worked, either at all or due to misclassification as an unpaid "trainee," and who missed meal and rest periods. There are additional claims for which the Class is entitled to be compensated as a result of these violations.

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

[PROPOSED] CLASS NOTICE OF JUDGMENT

CASE NO. RG 08-37909

COPY

1 **C. AM I REPRESENTED BY ATTORNEYS?**

2 Yes, the law firm of Weinberg, Roger & Rosenfeld ("Class Counsel") is prosecuting this action on behalf of
3 the Class. Class Counsel represents the Class Members on a contingent basis, without any charge to Class
4 Members in this lawsuit. Any reimbursement of costs or expenses or award of attorney fees to Class
5 Counsel, unless some other Court-approved agreement is reached, will be recovered separately from AB
6 Trucking directly.

5 **D. TOTAL JUDGMENT**

6 The total amount of the Judgment, without post-judgment interest, is \$964,557.08. This amount includes
7 \$724,903.80 in damages and \$239,653.28 in prejudgment interest. The total amount will be divided among
8 the Class according to dates of employment and the number of claims affecting each Class Member. Class
9 Counsel will be allowed to separately seek attorney fees and costs from the Court.

9 **E. HOW WILL MY PAYMENT AMOUNT (IF ANY) BE DETERMINED?**

10 The amount of money (if any) owed to Class Members has been determined by the Judgment. A Court-
11 approved settlement could be reached, instead, that would expedite payment for a reduced amount.

11 **F. WHEN WILL I RECEIVE PAYMENT?**

12 AB Trucking has a right to file an Appeal if it chooses which may affect collections. In addition, the Court
13 has put a temporary hold on collections. There could be other issues that may arise, such as the possibility of
14 AB Trucking filing bankruptcy. Regardless, Class Counsel will begin collections for the Class as soon as
15 possible in light of the circumstances. You will receive another notice within the next three months, or
16 shortly thereafter, providing an update on the status of collections and the details of your claim.

15 **G. WHERE DO I GET MORE INFORMATION?**

16 The above is a summary of the basic terms of the Judgment. For more detail, you may consult the pleadings
17 and other records in this litigation (Case Number is RG08379099). These records may be examined either:

- 18 (1) online on the Alameda County Superior Court's website, known as "DomainWeb,"
19 at: www.alameda.courts.ca.gov/domainweb
20 or
21 (2) in person in Room 109 at the Rene C. Davidson Courthouse at 1225 Fallon Street,
22 Oakland, California 94612, between the hours of 9:00 a.m. and 4:00 p.m., Monday through
23 Friday, excluding Court holidays.

22 You may also contact Class Counsel:

23 WEINBERG, ROGER & ROSENFELD
24 c/o Lisl Duncan
25 1001 Marina Village Parkway, Suite 200
26 Alameda, California 94501-1091
27 Telephone 510.337.1001
28 Fax 510.337.1023
<http://www.unioncounsel.net>

27 **H. NOTICE OF YOUR NEW ADDRESS**

28 *If you move after receiving this notice, you should send a letter with your correct address to Class
Counsel at the above address c/o Lisl Duncan.*

118212/720129

1 **PROOF OF SERVICE**

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

6 On June 13, 2013, I served the following documents in the manner described below:

7 **[PROPOSED] ORDER**
8 **RE: APPROVAL OF CLASS NOTICE OF JUDGMENT;**
9 **AUTHORIZATION OF DISTRIBUTION**

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

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

28 Guy A. Bryant, Esq.
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 June 13, 2013, at Los Angeles, California.



Melanie Garion