

SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA

Tentative Case Management Order

2026CUOE059797: ESTEFANIA AYALA vs FOOT & ANKLE CONCEPTS, INC.
06/05/2026 in Department 44
CMC: Complex Track

NOTICE OF ASSIGNMENT FOR ALL PURPOSES: All parties shall take notice that the above-referenced case has been assigned to Judge Charmaine H. Buehner and Department 44 of the Ventura County Superior Court, located at the Hall of Justice, 800 South Victoria Avenue, Ventura, CA, 93009. Prior to January 5, 2026, all cases assigned to Department 44 were assigned to Department J4 at the Juvenile Justice Center.

Tentative Case Management Order. The following is a statement of the Court’s tentative case management order. The parties are welcome to provide input and propose modification(s) to any aspect of the CMO at the Case Management Conference. If all parties submit on the tentative CMO, the Court will adopt the tentative CMO, and the parties need not appear. If there are any matters not addressed in the tentative CMO that any party would like to discuss, that party should not submit on the tentative, and the Court will conduct the conference as scheduled.

[TENTATIVE] CASE MANAGEMENT ORDER: CLASS ACTIONS

1. This putative class action has been designated complex pursuant to CRC 3.400(a), and thus requires exceptional judicial management. All provisions of this CMO are deemed necessary to carry out the purposes of Rule 3.400(a), to promote effective decision-making by the Court, establish time limits (Cal. Stds. Jud. Admin., § 3.10(d)), and to dispose of the case within 3 years. (Cal. Stds. Jud. Admin., § 2.2(g).) They are based upon individual consideration of this complex action, including the Joint Complex Status Report previously filed by the parties May 19, 2026.

2. **Department 44 Rules.** Counsel and parties are ordered to comply with Department 44’s Rules and Procedures and Zoom Appearance Protocols, which are available at: <https://ventura.courts.ca.gov/department-44>.

REMOTE APPEARANCES: Effective February 23, 2026, the Court requires parties to register for each Zoom appearance at the following link by **4:00 p.m. the court day before the hearing:** <https://ventura-courts-ca.zoom.us/meeting/register/iqN7uhQSQMuoqs-9TQXgEQ>. After this date, the Court will no longer accept or monitor e-mails sent to Department 44 for notifications to appear remotely.

Failure to register timely means you will not be admitted to the remote proceeding. No advance notice is required to appear in court in person.

Department 44 does not accommodate Court Call appearances.

3. **Electronic Filing and Service.** Effective May 5, 2025, and July 1, 2025, the Ventura County Superior Court mandates the electronic filing and service of documents. (See Administrative Orders 25.03 (Feb. 26, 2025.) & 25.04 (Jun. 27, 2025).)

4. **Mediation.**

Plaintiff is amenable to mediation, Defendant is not.

If the parties agree to a voluntary, informal exchange of discovery prior to mediating, the Court encourages (but does not require or order) the parties to include a verification with each production of discovery so that if the mediation is unsuccessful, the parties will not have to duplicate or repeat this exchange of discovery.

While the Court encourages efforts at early resolution, the Court also expects, as a general rule, that the class certification motion will be heard approximately one year after case initiation, or within 18 months after case initiation in the event the parties engage in early mediation as explained in the paragraph below entitled “Class Certification Motion.”

5. **Arbitration.**

The Parties are unaware of any relevant arbitration agreements and/or class action waiver clauses.

6. **Phased Discovery.**

Formal discovery is STAYED and shall be phased as provided herein. Once Defendant files and serves an answer or, if applicable, after the Court rules any pleading challenge, the Court will permit class certification discovery only. Merits-based discovery will be allowed after a successful class certification motion. If there is a dispute concerning whether a given discovery request is certification or merits-based, the parties are to jointly request an informal discovery conference in accordance with Department 44’s rules and Ventura County Superior Court, Local Rule 8.10.

Informal discovery is permitted at any time.

If the parties schedule a mediation to occur before November 20, 2026, and if the parties wish to extend the stay on formal discovery beyond Defendant’s filing of an answer, the parties may file a stipulation and proposed order extending the stay on formal discovery until completion of mediation, and the Court will likely approve such stipulation.

7. **Class List Discovery.**

The decision in *In Re Insurance Installment Fee* cases (2012) 211 Cal.App.4th 1395, 1426-1429, held that the notice procedure prescribed by the trial court and followed by the defendant was necessary to protect privacy rights under the California Constitution. Therefore, upon the Court’s lifting of the stay on class certification discovery, the parties shall use the procedure described in *Belaire-West Landscape v Superior Court* (2008) 149 Cal.App.4th 554 to notify putative class

members, as described in the applicable paragraph of the currently operative complaint, giving them the opportunity to opt out. The parties must share the cost of the procedure equally.

- a. Plaintiff is to take the lead and prepare a proposed letter to be sent out by the agreed-upon third party administrator. The parties must discuss and settle upon a final version.
- b. The letter must be written using the administrator's letterhead, not that of any party.
- c. The defense must turn over the contact information consisting of name, address, phone number, and email address (if available) to the third-party administrator.
- d. In the event the putative class list is greater than 400 people, the administrator must randomly select a sample of no more than 400. The contact information for those persons who did not opt out must be turned over to the plaintiff.

8. **Payroll Records Discovery.**

Responses to any payroll record discovery requests must be uniquely numbered and redacted so that putative class member's identifying information, i.e., name, social security numbers, etc. are not revealed.

9. **Stipulated Protective & ESI Orders.**

The parties are encouraged to submit stipulated proposed protective orders and orders concerning the handling of ESI for the Court's review. By way of example of a protective order, the Court refers the parties to the model protective orders published by the Los Angeles Superior Court at <https://www.lacourt.ca.gov/pages/lp/civil/tp/civil-case-types-and-specialty-courtrooms/cp/compl-ex-civil-litigation>. The parties may use the LASC model protective orders as published, or as a template subject to modifications. If modified, the parties shall include a redlined courtesy copy to be lodged with the court at the time of filing. The parties must use the redlined version to identify any changes proposed to the model order.

10. **Class Certification Motion.**

Within 30 days of this order, Plaintiff is directed to reserve a class certification motion hearing date on a Thursday in June 2027 at 8:20 a.m. This reserved hearing date shall be the deadline for the hearing of the class certification motion, and may not be extended except by court order. Plaintiff shall meet and confer with Defendant before selecting a hearing date, and shall notify the Defendant immediately after the reservation is made. The format and time for service of the papers in support of or in opposition to the motion shall be in accordance with California Rule of Court 3.764, unless otherwise ordered by the Court. The parties may make a stipulated request for an order concerning a briefing schedule that differs from Rule 3.764.

A Non-Appearance Case Review re Reservation of Class Certification Motion Hearing and Briefing Schedule is Set for July 17, 2026, 8:40 a.m., Department 44.

11. **Informal Discovery Conferences.**

The Court invites the parties to request an informal discovery conference in accordance with Department 44's rules and Local Rule 8.10. IDC's are conducted from chambers via Zoom.

12. **Potential Related Cases.**

Counsel are ordered to file and serve a Notice of Related Case for any potentially related cases pursuant California Rule of court Rule 3.300, including any PAGA case involving the same representative plaintiff. This is a continuing obligation on both plaintiffs and defendants while this case is pending.

13. **Settlement.**

In the event the parties reach a settlement, Plaintiff shall file a notice of settlement on Judicial Council form CM-200, a mandatory form. If settlement includes dismissal of class action claims (such as a PAGA only settlement or an individual settlement), then Plaintiff must comply with CRC 3.769 and 3.770 in order to obtain dismissal of class claims. Do **NOT** use Judicial Council Form Civ-110, Request for Dismissal.

Plaintiff is ordered to give notice, and to file a proof of service of such notice within 5 days.
IT IS SO ORDERED.