

SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA

Tentative Case Management Order

2026CUOE064051: JUAN BERNAL vs HOT LINE CONSTRUCTION, INC.

07/15/2026 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.

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 on **July 9, 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/departments-44>.

REMOTE APPEARANCES: Effective February 23, 2026, the Court requires parties to register for each Zoom appearance at the following link by **3:00 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.**

The Parties indicate that they are open to exploring private mediation after an exchange of informal discovery. The parties are ordered to meet and confer and if agreeable to all parties schedule a mediation. The parties are further ordered to file a **Joint Status Report Re: Mediation Efforts**, including whether the Parties have agreed to mediate, the identity of any mediator they may have selected, and the date of any mediation they may have scheduled, **no later than 10 days before the non-appearance case review.**

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.”

A Non-Appearance Case Review re mediation efforts is set for September 18, 2026, at 8:40 AM, Department 44.

5. **Arbitration.**

Defendant asserts that Plaintiff may be subject to an arbitration agreement and is evaluating whether to file a motion to compel arbitration in the absence of Plaintiff’s stipulation to submit to binding arbitration. **Defendant shall file and serve a Motion to Compel Arbitration or a Responsive Pleading to the Complaint on or before August 28, 2026.** Defendant must file and serve a Motion to Compel Arbitration or a Responsive Pleading by no later than [30 days]. Before filing any demurrer or other motion, the moving party **must** contact the court clerk to obtain a hearing date.

The Court sets a Non-Appearance Case Review Re: File and Service of Defendant’s Responsive Pleading for September 18, 2026, 8:40 AM, Department 44.

6. **PAGA Claims.**

Plaintiff filed a complaint against this defendant under the Private Attorneys General Act of 2004 (“PAGA”) on June 4, 2026, Case No. 2026CUOE67334, which is also pending in Department 44. The Court intends to order these two cases consolidated at the non-appearance case review on September 18, 2026. The parties are ordered to file a **joint statement concerning their respective positions with respect to case consolidation at least 10 days in advance of the non-appearance case review.**

A Non-Appearance Case Review Re Consolidation of PAGA and Class Action cases is set for September 18, 2026, at 8:40 am, Department 44.

7. **Phased Discovery.**

Formal discovery is STAYED and shall be phased as provided herein. Upon the filing of any motion to compel arbitration, the stay shall be lifted, and the parties will be permitted to conduct discovery on the arbitration issue only. Once an answer is filed and served or, if applicable, after the Court rules on the motion to compel arbitration or 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 January 15, 2027, 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.

8. **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.

9. **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.

10. **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.

11. **Class Certification Motion.**

The Court will set a deadline for filing and serving the class certification motion after ruling on the anticipated motion to compel arbitration. If no party files a motion to compel arbitration, then upon the filing of all Defendants' responsive pleadings, the Court will set a deadline for the Class Certification Motion hearing date at the non-appearance case review on September 18, 2026. Briefing on the motion will be according to the schedule set forth in Rule 3.764, unless a different schedule is proposed by the parties. To the extent the parties wish to propose a briefing schedule and a deadline for the hearing on the motion for class certification, they are ordered to submit a joint statement with the proposed briefing schedule and deadline at least 10 court days in advance of the September 18, 2026 non-appearance case review.

A Non-Appearance Case Review Re Class Certification Motion Hearing Deadline is set for September 18, 2026, at 8:40 am, Department 44.

12. **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.

13. **Related Cases.**

The Court deems the following cases related to this action:

- *Benton v. Hot Line Construction, Inc.*, Los Angeles Superior Court Case No. 21STCV47377
- Ventura County Superior Court Case No. 2026CUOE067334

14. **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.

15. **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.