

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
DEPARTMENT 310**

Reasoner v. BDS Natural Products, Inc.

BC676646

CASE MANAGEMENT ORDER

FILED
Superior Court of California
County of Los Angeles

JAN 26 2018

Sherri K. [Signature] Executive Officer/Clerk
By [Signature], Deputy
Roxanne Zairaiga

The court has read the Joint Initial Status Conference Report previously filed and issues the following Case Management Order:

1. The Court lifts the pleading stay previously imposed and orders defendant to file a response to the summons and complaint within thirty days of today's date. If any defendant contemplates filing a demurrer to the complaint, a telephonic conference is to be arranged with the Court pursuant to paragraph 10 below.
2. Phased Discovery. Discovery will be phased with the stay lifted once the answer is filed or, if applicable, after the Court rules on the 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 or not a given request is certification or merits-based, the parties are to set up a telephonic conference with the court.
3. PAGA Claim. The PAGA claims are stayed pending resolution of the class actions claims.
4. 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. The parties therefore 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 are to 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 will discuss and settle upon a final version.
 - b. The letter will be written using the administrator's letterhead, not that of any party.
 - c. The defense is to 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.
5. Payroll Records Discovery. Responses to any payroll record discovery requests are to be uniquely numbered and redacted so that putative class member's identifying information, i.e., name, social security numbers, etc. are not revealed.
6. Protective Order. Parties must be aware of the model protective order to be found at Los Angeles Superior Court website at <http://www.lacourt.org> under "Tools for Litigators." A redlined courtesy copy is to be posted on the e-service bulletin board and lodged with the court at the time of filing. The parties are to use the redlined version to identify any changes the parties propose to the model order.

7. E-service. The parties have agreed, and the Court has signed an order authorizing Case Anywhere as the e-service to be used in this case. The parties shall use the e-service bulletin board in lieu of ex parte motions whenever possible. Argument shall not be posted on the bulletin board.
8. Class Certification Motion. The filing and posting date for class certification motion is 2/27/2019. The plaintiff is reminded that the plaintiff's brief is to contain a trial plan.
9. Counsel are to call the Court for a hearing date and briefing schedule prior to posting and filing the motion.
10. Telephonic Conferences. The Court handles pleading and discovery motions informally, using telephonic conferences. Parties are to post and file a five-page joint brief two days before the conference. Counsel must include in the joint report a *toll-free call-in number* for the Court to utilize. Since these conferences are informal, no court reporter or audio recording is permitted.
11. Potential Related Cases. Counsel are ordered to file a Notice of Related Case for any potentially related cases pursuant California Rule of court Rule 3.300. This is a continuing obligation on both plaintiffs and defendants while this case is pending.

IT IS SO ORDERED.

Dated: January 26, 2018



Kenneth R. Freeman, Judge