

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
San Francisco, California

Issue Date: 17 March 2026

OALJ No.: 2025-TAX-00022
OSHA No.: 301059686

In the Matter of:

JORDEN HOLLINGSWORTH,
Complainant,

v.

DRVM, LLC,
Respondent,

NOTICE OF HEARING AND PRE-HEARING ORDER

NOTICE OF HEARING

NOTICE: A hearing has been scheduled under the employee protection provisions of the Taxpayer First Act of 2019 (“TFA”), 26 U.S.C. § 7623(d), and the implementing regulations at 29 C.F.R. Part 1989, and under the employee-protection provisions of Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002 (the “Sarbanes-Oxley Act” or “SOX”) and the regulations of the Secretary of Labor published at 29 C.F.R. Part 1980. Proceedings will be conducted in accordance with the rules of practice and procedure for administrative hearings before the Office of Administrative Law Judges, codified at 29 C.F.R. Part 18, subpart A.

A telephonic pre-hearing conference will be held on **Tuesday, November 17, 2026, at 3:00 p.m. Pacific time.** The parties are directed to dial into my conference line at (866) 565-7417 and enter Participant Code 75725621# at the designated time. The parties shall be prepared to discuss the items listed at 29 C.F.R. § 18.44. The call shall be on the record.

The hearing shall begin on **Thursday, December 3, 2026, at 9:30 a.m.** at a location to be determined in Portland, Oregon, or by videoconference and continue until completed.

PRE-HEARING ORDER

I. GENERAL RULES

- A. Proceedings will be conducted in accordance with the rules of practice and procedure for administrative hearings before the Office of Administrative Law Judges, codified at 29

C.F.R. Part 18, subpart A. 29 C.F.R. § 1989.107(a). Formal rules of evidence will not apply, but rules or principles designed to assure production of the most probative evidence will be applied. 29 C.F.R. § 1989.107(d). The ALJ may exclude evidence that is immaterial, irrelevant, or unduly repetitious. *Id.*

- B. CONTINUANCES FOR PRIOR COMMITMENTS: A motion for a continuance due to a previously noticed judicial proceeding or other scheduling conflict must be filed within 14 days of this notice. The parties must meet and confer prior to filing a request for continuance.
- C. FILINGS: The parties must file all documents electronically through the eFile/eServe system (“EFS”) available at <https://efile.dol.gov/> or by e-mail at OALJ-SanFrancisco@dol.gov. Once the document is filed electronically, do not send the original document unless requested by me. Filing by facsimile is not authorized in this case. The parties must serve each other electronically. All timelines for any response will be calculated from the date the document is electronically served.
- D. TELEPHONIC TESTIMONY: The parties must meet and confer regarding telephonic testimony and request permission in writing to have a witness testify by phone no later than the time of the prehearing conference. The party calling the witness by telephone must make all necessary arrangements for the testimony. Any request for witness accommodation must be received no later than 14 days before the hearing absent good cause for a last-minute request.
- E. COURTROOM ELECTRONICS: This Office does not supply any electronic equipment or devices necessary to view, play, or listen to any evidence or testimony. If any party wishes to play CDs, DVDS, or use PowerPoint or other computer based programs for viewing evidence or argument, they must supply any equipment necessary to present the evidence or argument.
- F. NOTICE OF PUBLIC HEARING: Hearings are open to the public. 29 C.F.R. § 18.81. Final agency decisions are posted on the agency website. *See* 5 U.S.C. § 552(a)(2).

II. DISCOVERY

- A. Formal discovery may be conducted according to 29 C.F.R. Part 18 unless the TFA and SOX, their implementing regulations or this pre-hearing order imposes a different requirement. *See generally* 29 C.F.R. §§ 18.50-18.57.
- B. No later than **March 31, 2026**, the parties are ordered to make all disclosures required by 29 C.F.R. § 18.50(c) if they have not already done so. The parties have a continuing duty to update disclosures pursuant to 29 C.F.R. § 18.53.
- C. No later than **March 31, 2026**, the parties shall hold a conference of the parties by phone and develop a discovery plan pursuant to 29 C.F.R. § 18.50(b).

- D. The parties must complete discovery, including serving expert witness reports or disclosures and all depositions of non-experts, as early as possible, and no later than **August 4, 2026**. Discovery-related motions shall be filed in advance of the deadline such that any responses to the motions are due filed on or before the deadline. *See* 29 C.F.R. § 18.32, .33 (14 days for motion responses plus three additional days if served by mail).
- E. Expert witness reports and disclosures must comply with 29 C.F.R. § 18.50(c)(2).
- F. Regarding motions for summary decision, any party filing a motion for summary decision shall include with its motion and evidence a set of “Proposed Findings of Fact and Conclusions of Law” in separate individually numbered paragraphs, one fact or conclusion per paragraph, setting forth the material facts as to which the moving party contends there is no genuine dispute. Any party who opposes the motion shall serve and file with the opposing papers a separate document containing a corresponding “Statement of Disputed Facts and Conclusions of Law” indicating each numbered fact or conclusion as to which it contends there exists a genuine dispute for trial. In determining the motion, I may assume that the material facts as claimed and supported by the moving party are admitted except to the extent that such material facts are (a) included in the “Statement of Disputed Facts and Conclusions of Law” and (b) disputed by competent evidence filed in opposition to the motion. In addition to filing, the parties shall submit any Proposed Findings of Fact and Conclusions of Law and Statement of Disputed Facts and Conclusions of Law to this Office by email in Microsoft Word format and shall contact this Office to find out the correct email address to send the Word document as of the date of filing.

III. PRE-HEARING REQUIREMENTS

- A. **PRE-HEARING MOTIONS:** All pre-hearing motions must be filed pursuant to 29 C.F.R. § 18.33. The parties must meet and confer prior to filing any motion. 29 C.F.R. § 18.33(c)(3).
- B. **PRE-HEARING EXCHANGES; DOCUMENTS TO BE FILED OR SERVED BEFORE THE HEARING:** The parties must serve the following materials on all other parties and on the presiding judge, no later than **November 9, 2026**. The parties must hold a conference required by 29 C.F.R. § 18.80(b) prior to filing a pre-hearing statement in order to streamline the hearing process.
 - 1. **PRE-HEARING STATEMENT** that contains the information required by 29 C.F.R. § 18.80(c). The pre-hearing statement must include a statement that the conference required by 29 C.F.R. § 18.80(b) has been held. A joint pre-hearing statement is not required. *See* 29 C.F.R. § 18.80(d).
 - 2. **WITNESS LIST** that contains: (1) The name and address of each witness who will actually testify at the hearing with a precise (not general) statement of what the testimony will prove and an estimate of the time required for the direct examination of each witness; and (2) The names and address of each witness whose deposition will be offered, with a precise statement of what the testimony will prove.

3. EXHIBIT INDEX that describes each exhibit by tab number or letter, date, with a statement of precisely (not generally) what the exhibit proves. The Exhibit Index should be revised and duplicate exhibits removed after the parties meet pursuant to 29 C.F.R. § 18.80(b).

C. EXHIBITS: The parties must exchange copies of the exhibits that will be offered at the hearing no later than **November 9, 2026**. Exhibits not exchanged in advance may be excluded at the hearing, except for exhibits that will be offered solely for impeachment or rebuttal if necessary. The parties are expected to meet and confer over evidentiary objections in an attempt to resolve them, after the exhibit exchange. No later than **November 24, 2026**, the parties must file exhibits offered by that party with the presiding judge, and one copy of any joint exhibits, as modified in their final meeting, at eFile/eServe system (“EFS”) available at <https://efile.dol.gov/> or by e-mail at ojl-sanfrancisco@dol.gov. The parties must file all documents electronically in a single bookmarked PDF or in PDF Package/Portfolio document format. Exhibits not filed with the presiding judge may be excluded at the hearing. For an in-person hearing, the parties shall also bring hard copies of their exhibits to the hearing. Bring one copy of the exhibits for the judge and one copy of the exhibits for the witnesses to use, as well as copies for counsel. The exhibits may be printed double-sided so that they read like a book.

1. Each exhibit must be individually marked with a numbered or lettered tab. Each page of the exhibits offered at the hearing must be sequentially numbered in the lower right corner.
2. The cover page of each volume of exhibits must state the name/title of the party (i.e., Claimant, Employer, Joint).
3. If an exhibit is difficult to read or illegible, it must be accompanied by a legible or typed version. If an exhibit is in a foreign language, it must be accompanied by an English translation.
4. The Exhibit Index must be revised after the parties meet and eliminate any duplicative exhibits.
5. Deposition transcripts should be submitted with a word index.
6. A curriculum vitae or an equivalent qualifications summary for each expert witness must be submitted in the evidence. No oral testimony about the expert’s qualifications will be permitted, absent a showing of special need.
7. Voluminous records, such as medical or financial records, that are submitted as evidence must include a written summary of what is included and the purpose for inclusion, as well as point to the specific page that supports the contention. If applicable, the documents should include summary totals of any amounts requested.

D. The following set of prehearing deadlines apply:

Disclosures and discovery plan:	March 31, 2026
Amendment to pleadings:	March 31, 2026
Discovery:	August 7, 2026
Dispositive motions:	August 14, 2026

Responses to dispositive motions: **September 4, 2026**
Pre-Hearing Statements, Witness
Lists, Exhibit Indexes: **November 9, 2026**
Lodge exhibits by filing (other than for
impeachment or rebuttal): **November 24, 2026**

IV. APPOINTMENT OF SETTLEMENT JUDGE: If the parties agree that a settlement judge may help resolve the case, they may make a written request asking for the appointment of a settlement judge. *See* 29 C.F.R. § 18.13.

V. SETTLEMENT AGREEMENTS: Any settlement between the parties must be submitted to the judge for approval in writing pursuant to 29 C.F.R. § 1989.111(d)(2). The files maintained by this office, including settlement agreements, are subject to disclosure under the provisions of the Freedom of Information Act (“FOIA”), unless an exemption applies. 5 U.S.C. § 552.

VI. SANCTIONS: Unless good cause is shown, parties will not be permitted to litigate issues, call witnesses, or introduce evidence they failed to disclose at the times and in the way this order requires. Failure to comply fully with this Order subjects the offending party to sanctions. *See generally* 29 C.F.R. §§ 18.12(b), 18.35(c), 18.50(d)(2)&(3), 18.52, 18.57, 18.87.

SO ORDERED.

EVAN H. NORDBY
Administrative Law Judge

SERVICE SHEET

Case Name: **Hollingsworth_v_DRVM_LLC_**

Case Number: **2025TAX00022**

Document Title: **Notice of Hearing and Pre-Hearing Order**

I hereby certify that a copy of the above-referenced document was sent to the following this 17th day of March, 2026:

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