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6 Attorneys for Defendant  
GAGS AND GAMES, INC.,  
7 doing business as Halloween City

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9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF CALIFORNIA**  
11 **SACRAMENTO DIVISION**

12 JOAN WILKENING, TARA MISSEL,  
13 CHRISTOPHER HUGHES, and SABRINA  
GRAHAM, individually, and on behalf of all  
14 others similarly situated,

15 Plaintiffs,

16 v.

17 GAGS AND GAMES, INC. doing business  
as HALLOWEEN CITY, a Michigan  
18 corporation,

19 Defendant.

Case No. 2:11-CV-01802-JAM-DAD

**STIPULATED ORDER GRANTING  
DEFENDANT’S MOTION FOR LEAVE  
TO CONDUCT THE DEPOSITIONS OF  
AND SUBPOENA DOCUMENTS FROM  
PUTATIVE CLASS MEMBER  
DECLARANTS**

20 A motion by Defendant Gags and Games, Inc. for an order permitting Defendant to  
21 conduct the depositions of five putative class members who have submitted declarations in  
22 support of Plaintiffs’ Motion for Class Certification, and to subpoena records from those same  
23 five individuals, came on for hearing before the court on October 26, 2012. Michael Ahmad  
24 Esq. appeared telephonically on behalf of plaintiffs. Kent Bradbury Esq. appeared  
25 telephonically on behalf of defendant.  
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Having considered the arguments of the parties’ respective counsel, all of the pleadings and papers filed herein, and pursuant to the parties’ stipulation, the Court issues the following order:

**IT IS HEREBY ORDERED** that Defendant’s motion (Doc. No. 28) is granted.

Defendant may depose five absent putative class members who have submitted declarations in support of Plaintiffs’ Motion for Class Certification and are former employees of Defendant. Each deposition shall not exceed three hours in duration and shall take place within 100 miles of the witnesses’ homes. Each deposition shall be limited in scope to the matters discussed in the Motion for Class Certification and the witnesses’ declarations. The parties shall meet and confer regarding which five absent putative class members shall be deposed, and if the parties are unable to reach agreement, the Court shall resolve any issues that remain.

**IT IS HEREBY FURTHER ORDERED** that Defendant may subpoena the following records from the same five absent putative class members. The parties shall meet and confer regarding any issues that arise between the parties and/or absent putative class member regarding the subpoena. If the parties and/or putative class member are unable to reach agreement, the Court shall resolve any issues that remain.

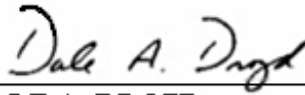
1. All documents evidencing any fees or charges you incurred through the use of a pay card issued to you by Gags and Games, Inc., doing business as Halloween City (“Halloween City”), with any confidential financial or personal information redacted.
2. All wage statements, whether paper or electronic, for the work you performed for Halloween City.
3. All documents evidencing your ability or inability to view your wage statements on Halloween City’s computer(s).
4. All documents evidencing your ability or inability to print your wage statements on Halloween City’s printer(s).
5. All documents evidencing your ability or inability to access your pay card account online.

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6. All documents and communications you received from a Halloween City employee, manager or supervisor relating to on-call work.
7. All documents relating to how and when you became aware of the date of your last day of work for Halloween City in 2010.
8. All documents relating to how and when you became aware of the date of your last day of work for Halloween City in 2011.
9. All documents evidencing that you were not paid for all hours you worked for Halloween City.
10. All documents evidencing that any employee was not paid for all hours he or she worked for Halloween City.
11. If you ever resigned from your employment with Halloween City, all documents evidencing when you notified Halloween City of your resignation.

**IT IS SO ORDERED.**

Dated: October 26, 2012



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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

STIPULATED AND AGREED TO BY:

DATED: October 19, 2012

**LAW OFFICE OF MARY-ALICE COLEMAN  
LAW OFFICES OF SOHNEN AND KELLY**

By: /s/ Michael Ahmad (authorized on Oct. 19, 2012)  
MICHAEL S. AHMAD  
Attorneys for Plaintiffs JOAN WILKENING,  
TARA MISSEL, CHRISTOPHER HUGHES,  
SABRINA GRAHAM, individually, and on behalf  
of all others similarly situated

DATED: October 19, 2012

**FOX ROTHSCHILD LLP**

By: /s/ Tyreen Torner  
TYREEN TORNER  
Attorneys for Defendant  
GAGS AND GAMES, INC.

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