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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TROY W. CRAYTHORN, on behalf of  
himself and those similarly situated,

Plaintiff,

No. 2:12-cv-1328-JAM-EFB

vs.

WESTOWER COMMUNICATIONS, INC.,  
and DOES 1 through 100, inclusive,

Defendant.

ORDER

On September 5, 2012, the court heard plaintiff's motion to compel further responses from defendant to plaintiff's first set of special interrogatories. Dckt. No. 30. Attorney Kimberly Neilson appeared at the hearing on behalf of plaintiff and attorneys James Nelson and Jennifer Holly appeared on behalf of defendant.

As stated on the record, and for the reasons stated on the record, the motion to compel, Dckt. No. 30, is granted in part and denied in part. Within thirty days from the date of this order, defendant shall respond to Special Interrogatory Set No 1, Interrogatories Nos. 1 and 2, by

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1 identifying<sup>1</sup> a random sampling of 25% of all individuals within the FLSA Class and the  
2 California Class, as those terms were clarified at the September 5, 2012 hearing.<sup>2</sup> Each party  
3 shall bear its own costs.

4 SO ORDERED.

5 DATED: September 6, 2012.

  
6 EDMUND F. BRENNAN  
7 UNITED STATES MAGISTRATE JUDGE  
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17 <sup>1</sup> As stated in the Special Interrogatories, the term “Identify” means to provide sufficient  
18 information about the person to identify that person and make arrangement for service of a  
19 subpoena, including: (a) full name; (b) last known employer and occupation; (c) last known  
20 business address and telephone number; (d) title and dates of employment; (e) last known  
21 residence address and telephone number(s); (f) mobile telephone number; and (g) electronic mail  
22 address (e-mail).

23 <sup>2</sup> In the Special Interrogatories, the “FLSA Class” is defined as “all individuals who are  
24 currently employed, or formerly have been employed, by Westtower Communications, Inc. as  
25 hourly field employees, or equivalent positions, in the United States from March 9, 2009 to the  
26 present,” excluding those employed in the State of California. The “California Class” is defined  
as “all individuals who are currently employed, or formerly have been employed by Westtower  
Communications, Inc. in the positions of hourly field employees or equivalent positions, within  
the State of California, from March 9, 2008 to present.” Ex. A. to Neilson Decl., Dckt. No. 30-3.  
At the September 5 hearing, plaintiff’s counsel clarified that the term “hourly field employees, or  
equivalent positions” means wage and hour employees who are required to travel to a jobsite  
(excluding supervisors), and indicated that the term is intended to cover the three designations of  
technicians in defendant’s Roseville office (civil technicians, electricians, and tower  
technicians), even though other offices may use different terms to designate those positions.