

LEVY DAVIS & MAHER, LLP  
ATTORNEYS AT LAW

Mr. Harry Dorvilier  
Harry's Nurses Registry, Inc.  
August 26, 2009  
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included in Plaintiff's First Request for Production of Documents dated February 5, 2008:

Document Request No. 7. All documents referring or relating to audits or investigations of defendants' payroll practices conducted by the New York State Department of Labor.

Document Request No. 9. All documents submitted to or received from the New York State Department of Labor in the course of or upon the completion of audits or investigations of defendants' payroll practices.

Document Request No. 11. All settlement agreements, investigative reports, court orders, correspondence or other documents referring or relating to the disposition of any and all wage claims and/or wage-hour complaints filed against defendants by any current or former employees.

Document Request No. 12. All documents identified in Defendants' Initial Disclosures.

Defendants stated in their responses (dated March 13, 2008) to each of these Document Requests that all responsive non-privileged documents in defendants' possession would be produced, subject to objections. Please note that the Federal Rules of Civil Procedure require production of all documents in defendants' custody, possession or control, not merely those in defendants' possession, as well as a privilege log.

We have a deposition notice outstanding. I suggest that your new counsel contact me to discuss this.

Finally, with respect to your insistence that the summary judgment motion in this case was decided incorrectly because state law distinguishes between home care and staffing agencies: inasmuch as two sets of lawyers were apparently unable to persuade you that federal law displaces inconsistent state law, I acknowledge that nothing I say will make you realize the error of your argument. Please be aware that you are currently under court order to respond to discovery demands notwithstanding your intention to seek reconsideration of summary judgment.

Very truly yours,

  
Jonathan A. Bernstein