

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
CLAUDIA GAYLE et al.,

Plaintiffs,

-against-

HARRY'S NURSES REGISTRY, INC., and  
HARRY DORVILIER *a/k/a* HARRY DORVILIEN,

Defendants.  
-----X

NICHOLAS G. GARAUFGIS, United States District Judge.

ORDER

07-CV-4672 (NGG) (MDG)

On September 5, 2017, the court received a letter from pro se Defendant Harry Dorvilier, entitled "Satisfaction of Judgment." (Sept. 5, 2017, Def. Ltr. (Dkt. 228).) In that document, Dorvilier alleges, inter alia, that he has paid all amounts due to the Plaintiffs under the court's various judgments in this case and that the attorney for the Plaintiffs, Jonathan A. Bernstein, has "double dipped," i.e. that he received payments from both the court-awarded attorneys' fees and from the judgment amounts awarded to Plaintiffs. On September 12, 2017, the court ordered Bernstein to provide a letter stating whether Plaintiffs had received all amounts due under the court's judgments in the case and responding to Dorvilier's allegations of "double dipping" (the "Order"). (Sept. 12, 2017, Order (Dkt. 230).) Bernstein responded on September 15, 2017, confirming receipt of all amounts due under the court's judgments and denying Dorvilier's claims of impropriety. (Pls. Sept. 15, 2017, Ltr. (Dkt. 232).)

Dorvilier moves for sanctions based on this order, claiming that Bernstein failed to comply with the Order (the "Motion"). (Mot. for Sanctions (Dkt. 233).) The Motion is respectfully REFERRED to Magistrate Judge Marilyn D. Go for a Report and Recommendation

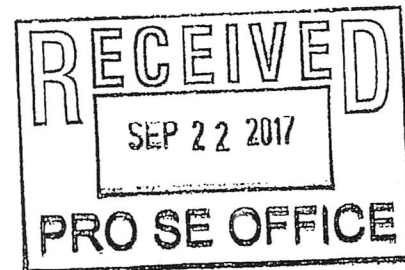


*Harry Dorvilier,  
Harry's Nurses Registry  
88-25 163rd Street  
Jamaica, New York 11432.*

ORIGINAL

September 22, 2017

The Honorable Nicholas G. Garaufis  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201



Re: Gayle v. Harry's Nurses Registry, Inc. et al., 07 Civ. 4672 (NGG) (MDG)

**Motion for Sanctions**

Dear Judge Garaufis:

I write in response to counsel's letter dated September 15, 2017, written by counsel Jonathan Bernstein after the issuance of your Order of September 12, 2017 (Dkt. No. 230) that the individual plaintiffs in this matter attest to the receipt by them of the money due to them under this Court's Judgment awards, including the amount of money received, and that counsel explain his receipt of "Attorney's Fees" *from both the Plaintiffs and from defendant*, after this Court awarded precise amounts of attorney's fees. Because counsel for Plaintiff has failed to comply with this Court's Order, I move that he be sanctioned.

After I dutifully presented evidence and sworn affidavits from the plaintiffs that monies due to them *was not given to them*, and instead was pocketed by counsel in the guise of attorney's fees, after counsel extracted the same attorney's fees from my business bank account, this Court issued its Order of September 12, 2017. Indeed, the correspondence and evidence that I submitted show how counsel was giving the plaintiffs drastically lessor amounts then the money awarded to them and registered with the clerk's office, and pocketing the rest. This evidence included affidavits from the actual plaintiffs inconsistent with what Counsel now asserts he gave the plaintiffs.

Your Honor, as I am an accountant by training, I see clearly how counsel's accounting simply does not add up. He cannot take monies from my bank account and fully satisfy his attorney fees award, as pronounced by this Honorable Court, then again take from the plaintiffs, amounts in excess of his attorney's fees and give to the plaintiffs next to nothing as indicated by their affidavits. Counsel's surreptitious actions have, as this Court knows, Federal, State and City Tax implications, including the necessitation of W2 forms and 1099 forms for all parties involved,



including me, my business, the plaintiffs and counsel. After my demand, none of these required documents have been produced or generated by counsel as required by Federal and State law, and as needed by my business for accounting and tax purposes.

Counsel has simply violated **your Order** (Counsel euphemistically calls your Order a mere "directive") when he fails to fully explain his double dipping method of compensation and explain why he took attorney's fees from my bank account and from the money he allegedly gave to the plaintiff nurses. Counsel, unlike I do, presents no affidavits from the nurses that they have received all the amounts due them under the Court's judgments, and does not satisfactorily explain why he has double dipped.

I have asked counsel for the satisfaction of judgments and tax documentation repeatedly and have asked my counsel Mr. Schirtzer to request the satisfactions and tax documentation repeatedly. Indeed, as this Court is aware, Plaintiff's counsel had twenty days after the collection of a debt to do so pursuant to New York State Law. Specifically,

(a) When a person entitled to enforce a judgment receives satisfaction or partial satisfaction of the judgment, he shall execute and file with the proper clerk pursuant to subdivision (a) of section 5021, a satisfaction-piece or partial satisfaction-piece...which shall be mailed to the judgment debtor by the person entitled to enforce the judgment within ten days after the date of filing.

(c) When the judgment is fully satisfied, if the person required to execute and file with the proper clerk pursuant to subdivisions (a) and (d) hereof fails or refuses to do so within twenty days after receiving full satisfaction, then the judgment creditor shall be subject to a penalty of one hundred dollars recoverable by the judgment debtor pursuant to Section 7202 of the civil practice law and rules or article eighteen of either the New York City civil court act, uniform district court act or uniform city court act; provided, however, that such penalty shall not be recoverable when a city with a population greater than one million persons is the judgment creditor, unless such judgment creditor shall fail to execute and file a satisfaction-piece with the proper clerk pursuant to subdivisions (a) and (d) hereof within twenty days after having been served by the judgment debtor with a written demand therefor by certified mail, return receipt requested.

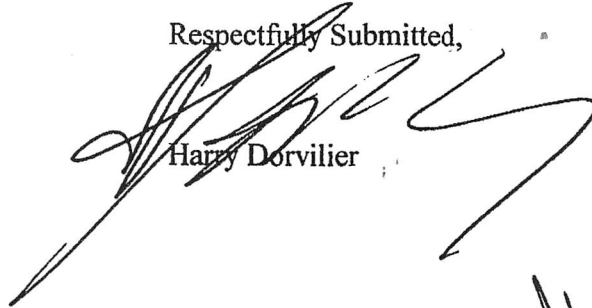
See NY CPLR § 5020 (2015)

As counsel rightly notes, I have made prior pro se submissions and do so again, because neither Mr. Bernstein nor Mr. Schirtzer, my attorney, have properly responded to my request that the *Satisfactions and proper tax documentation be issued and provided to my business for approximately five years, all to the detriment of my small business.* Mr. Bernstein admits that when he was finally pressed to do so, because of pleading and my pro se filing, he did so incorrectly because he did not know the law.

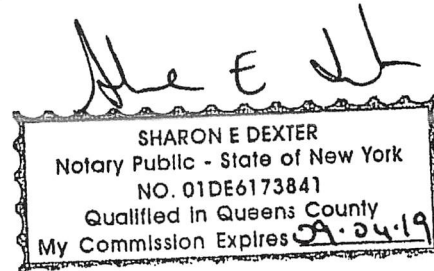
In any event, none of Mr. Bernstein's elusive, evasive and euphemistic language can overcome the plain and unequivocal meaning of this Honorable Court's Order, namely, *did the individual working nurses get all of the money they were entitled to under this Court's Judgments and did Bernstein double dip by taking his attorney's fees both from my bank account and again from the money due the individual nurses, depriving those nurses of judgment awards.*

In light of the evidence indicating that the individual nurses, *according to their own affidavits*, received one amount, and Bernstein's allegation that he gave them a vastly different amount, I request that the nurses appear to testify about the amounts received, that all required tax documentation be generated and produced by Mr. Bernstein, as my business and Federal tax law requires it, and that Mr. Bernstein be Sanctioned by this Court for failing to fully comply with this *Court's Order, not mere directive*, of September 12, 2017.

Respectfully Submitted,



Harry Dorvilier



CC: JONATHAN BERNSTEIN, ESQ

Harry Dorviler  
88-25 163 Street  
Jamaica, New York 11432  
718 739- 0045

**COPY**

October 27, 2017

**MOTION FOR SANCTIONS**  
**REQUEST FOR HEARING**  
**SUPPORTING DOCUMENTATION**

**Re: Gayle v. Harry's Nurses Registry, Inc., 2007 CV 4672 (NGG)**

**MAGISTRATE JUDGE MARILYN D. GO**  
**United States District Court**  
**225 Cadman Plaza East**  
**Room 317 N**  
**Courtroom 322 N**  
**Brooklyn, New York 11201**



Dear Honorable Magistrate Go:

I humbly submit the following documentary evidence in support of my motion that attorney Janathan Bernstein be sanctioned. The attached affidavit establishes that Mr. Bernstein never remitted to Plaintiff Jane Buke Hilton the judgment award due to her and kept over \$40,000 of her funds as "legal fees," despite satisfying his legal fee from an attachment on defendants' account. This is in addition to the other funds converted by Bernstein from the other plaintiffs. See Attachment, Bernstein check No. 16667. Mr. Bernstein compounded this transgression by refusing to properly and legally file a satisfaction of judgment so that my business could continue to function, and so that I would not be further damaged. Moreover, upon information and belief, many of the plaintiff nurses including the head plaintiff Gayle were deported before receiving any funds from Bernstein.



Both Mr. Bernstein and Mr. Schirtzer, my missing in action lawyer, also failed to move that the Satisfaction of Judgments due since 2012 from Class Action Plaintiff's lawyer Bernstein be produced and did not move to have him sanctioned. Mr. Bernstein is currently the subject of this motion for Sanctions under the Gayle case. Schirtzer left it all up to me to do this litigation.

As time is of the essence in this matter and as my rights are continuing to be prejudiced, I ask that Bernstein be sanctioned and or that the nurse plaintiffs, who contradict Bernstein through their affidavits, *be presented to testify as to why Bernstein has not paid them fully and why no proper satisfaction of judgments were filed in this case.* This continues to be an injustice to me and my company. As this Court is well aware, if no legal, binding and proper satisfaction of judgments are filed, my concern and myself remain unjustifiably beholden to the future claims of these uncompensated plaintiffs who will continue to proceed against me while Bernstein laughs his way to the bank. Indeed, by their affidavits professing that they have not received the amounts owed them, the Plaintiffs are affirmatively **not grating** satisfaction of judgments. Bernstein must be held to account and sanctioned for converting the funds.

Moreover, the primary plaintiff in this matter Claudia Gayle, upon information and belief, was deported prior to the resolution of the action, and did not receive any of the proceeds from the judgment. Indeed, Mr. Bernstein registered with the clerk payment to Gayle under Gayle's name when in fact he converted the funds for his personal use. I believe Gayle did not receive the judgment award and the other nurses, as they swear to in the attached affidavits, did not receive their judgment awards. Moreover, because Gayle had been deported and did not receive the amounts due her, Bernstein surreptitiously replaced her name with the name of *Susan Ajiboye* in the official judgment filed. Indeed, Claudia Gayle assumed a false identity and went by various aliases. The documents that she presented to my office upon her hiring, where later ascertained to be false, as she was not New York resident as she purported to be. Claudia Gayle has since vanished and is no longer in New York as far as I know. All of this fraudulent conduct leaves me and my concern subject to future claims and continued financial damage.

1. Claudia Glayle 130,214.46 001841983-02

- 2. Sussan Ajiboye 619,071.76 001734596.02
- 3. Claudia Glayle 14,780.00 001734587-02
- 4. Claudia Glayle 41,426.39 001983803-03

Sincerely,

Harry Dorvilier

attachments



**SHARON E. DEXTER**  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01DE6173841  
QUALIFIED IN QUEENS COUNTY  
COMMISSION EXPIRES: 09.04.19



rec. 12/6/17 @

**ORIGINAL**

**HARRY DORVILIER**

**HARRY'S NURSES REGISTRY**

**88-25 163RD STREET**

**JAMIACA, NEW YORK, 11432**

**DECEMBER 4TH, 2017**



**The Honorable Marilyn Dolan GO  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York, 11201**

**Re: Gayle v. Harry's Nuses Registry, Inc. et  
ano, 07 Viv. 4672 (NGG) (MDG)**

Dear Magistrate Judge Go:

I am writing in response to the counsel's letter dated November 13th, 2017, written by the counsel Mr. Jonathan Bernstein after the issuance of your order entered as November 2nd. 2017 (Dkt. 233) Motion for Sanctions filed by Harry Dorvilier and (232) Letter filed in plaintiffs' counsel. Plaintiffs' counsel is requested to file by November 13th, 2017 an accounting which sets forth all the amounts collected to satisfy the judgments entered herein and all disbursements made. The accounting must include the amounts and dates of all checks disbursed to the individual plaintiffs, and dates the checks were negotiated. This Court will set a date for a response and, if necessary, request submission of records for in camera review.

(1.). Since the counselor for the plaintiffs' fail to comply with the order we will move the Court to subpoena all the checks for the judgment received by the US Marshall that were converted to Mr. Jonathan Bernstein's account.

(2). We are asking to subpoena all the checks that were issued from Mr. Bernstein spread sheets, the check numbers, the amount, and the dates these were negotiated. We need to see all the retainers agreements from Claudia Gayle and all the plaintiffs prior to Judge Sifton's that was granted "Summary Judgment and Class Action" .

(3). We want this case moved to the US Attorney Office for perjury by counsel Jonathan Bernstein.

(4). We want to ask the Judge for satisfaction for all judgments and reversal for all judgments.

The scheme to defraud from Mr. Jonathan Bernstein started when judge Sifton ordered Summary Judgment for Claudia Gayle and ordered Harry's Nurses Registry, Inc. to provide the list of all the nurses including their Names, Social Security Number, Date of Employment from 2004 to 2009. On March 9th, 2009 (Order #53). That's when Mr. Bernstein instructed his Secretary to contact all of the nurses promising them money that he would obtain from overtime. Mr. Bernstein then asked the nurses to come to his office to obtain a retainer stating that he will return one third of the recovery or monies designated by the Court Attorneys' .

Mr. Bernstein alleged that the dollar that was withdrawn from Workers Compensation under the claim made under the Labor Law (#193) alleging that Defendants have deducted the cost of Workers' Compensation Insurance coverage plaintiff has withdrawn this claim. Mr. Bernstein proceeded to send this case to the Attorney General for persecution while the law specifically mentioned only the New York State Department of Labor and the Internal Revenue Service have jurisdiction to review cases for misclassification of workers.

Claudia Gayle received a judgment for \$14,740(dollars) which is \$7,370 (dollars) for presumably payroll and another \$7,370 (Dollars) for Liability. Mr. Bernstein proclaimed that he gave Ms. Gale a check #16647 and #16648 for \$11, 084 on 01/28/2013. The check was negotiated in 2013 and the second check presumably negotiated by Mr. Bernstein. Check #17622 for \$3,395 (dollars) issued on 01/27/2014, and negotiated on 2/24/2014 . The question is why was Ms. Gayle

issued two checks? this is my theory of Mr. Bernstein's double dipping. The Order was ordered 12/31/2012, a check was granted for \$14, 780. (dollars) (See the Retainer agreement between Mr. Bernstein and Claudia Gayle dated 10/23/2017. Attached is a copy of all the other nurses in the Class Action that is subject to one third of the recovery.

Unless we get a copy of the checks from Mr. Bernstein's escrow account, we believe that Mr. Bernstein double dipped \$275, 002, 22 from the plaintiff. At this moment, Mr. Bernstein has in his escrow \$13,544.04 and he has \$171, 643, 73 ordered by the judge for legal fees which equals \$460, 159, 63. This is equal to 49% of the total judgment. This case is strictly about Mr. Bernstein's benefits.

**Judgment 1.** \$619, 071.76 on 09/12/, 2012 (Claudia Gayle)

**Judgment 2.** \$14, 780.00 on 12/31/2017 (Claudia Gayle)

**Judgment 3.** \$256, 678. 46 on 10/22/2013 (For Nurse adjustments and Legal fees)

**Judgment 4.** \$41,429.17 on 06/15/2015 (For Legal fees)

**That's total judgment is \$931, 959.39**

1. Mr. Bernstein first double dipping \$275. 002.00
2. Presently from his escrow account \$13, 544.04
3. Legal Fees - \$171, 643.73

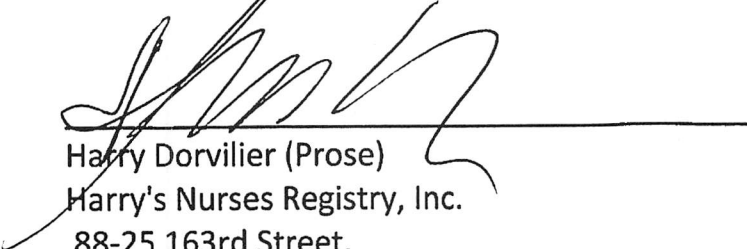
**Total \$460,159.63.**

**All the plaintiffs** received 51% of the total judgments which is \$471, 769. 76, We need to get copy of the W2 or 1099 that were sent to IRS, and New York State from his spread sheets.

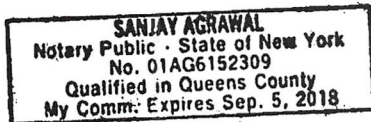
My correspondent from you Judge Go, on the merit of this case was on 07/07/2009, prior to Class Actions which I have my Prose motion (dkt#83) to



dismiss the case. (See my Motions in the attachments). However, Mr. Bernstein decided to discard these documents in the garbage,

  
Harry Dorvilier (Prose)  
Harry's Nurses Registry, Inc.  
88-25 163rd Street,  
Jamaica, N.Y. 11432

*Supery Del*



In the State of New York,  
in the County of Queens  
Sworn to before me on this day,  
4<sup>th</sup> of Dec, 2017