

COPY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CLAUDIA GAYLE, Individually, On Behalf of
All Others Similarly Situated and as
Class Representative,

07 Civ. 4672
(CPS) (KAM)

Plaintiff,

-against-

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

Defendants.

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Deposition of Claudia Gayle

Thursday, May 8, 2008

New York, New York

REPORTED BY:

Helen Mendlowich

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May 8, 2008
11:08 a.m.

Deposition of Claudia Gayle, taken by
Defendants, pursuant to Notice, at the offices of
Dealy & Silberstein, LLP 225 Broadway, 14th Floor,
New York, New York 10007-3001, before Helen
Mendlowich, a Shorthand Reporter and Notary Public
within and for the State of New York.

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A P P E A R A N C E S :

LEVY, DAVIS & MAHER, LLP
Attorneys for Plaintiff
880 Third Avenue
New York, New York 10022

BY: JONATHAN A. BERNSTEIN, ESQ.

DEALY & SILBERSTEIN, LLP
Attorneys for Defendants
225 Broadway, 14 Floor
New York, New York 10007-3001

BY: MILO SILBERSTEIN, ESQ.

ALSO PRESENT:

MARC BRAVERMAN, ESQ.
Dealy & Silberstein, LLP

HARRY DORVILIER
Plaintiff

1 IT IS HEREBY STIPULATED AND AGREED by
2 and between counsel for the respective parties
3 hereto, that the filing, sealing, and certification
4 of the within deposition shall be and the same are
5 hereby waived;

6 IT IS FURTHER STIPULATED AND AGREED
7 that all objections, except as to the form of the
8 question, shall be reserved to the time of trial;

9 IT IS FURTHER STIPULATED AND AGREED
10 that the within deposition may be signed before any
11 Notary Public with the same force and effect as if
12 signed and sworn to before this court.

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1 GAYLE

2 C L A U D I A G A Y L E, residing at 785
3 Allwyn Street, Baldwin, New York 11510, after having
4 first been duly sworn by a Notary Public of the
5 State of New York, was examined and testified as
6 follows:

7 MR. SILBERSTEIN: Let me just note for the
8 record that it's 11:08 a.m.

9 The deposition was noticed for 10:00
10 today. Ms. Gayle was running late.

11 I think it's important that we note the
12 time because Mr. Bernstein has indicated that
13 he is going to try to hold me to the seven-hour
14 presumptive limit for federal depositions. So
15 we are starting at 11:08.

16 MR. BERNSTEIN: Actually, I indicated that
17 I might, not that I will.

18 And let me just thank you, for the record,
19 that you and your firm have been most
20 accommodating of us this morning.

21 MR. SILBERSTEIN: You're very welcome.

22 EXAMINATION BY MR. SILBERSTEIN:

23 Q. Ms. Gayle, my name is Milo Silberstein.
24 I'm the attorney for the defendants in the federal
25 lawsuit you have filed.

1 GAYLE

2 Today, during this deposition, I am going
3 to refer to the company as Harry's and Harry
4 Dorvilier is Mr. Dorvilier?

5 Is that acceptable?

6 A. That is okay with me.

7 Q. I am just going to go over some ground
8 rules for the deposition today.

9 Have you ever been deposed before?

10 A. No, sir.

11 Q. You understand only one of us can speak at
12 a time. All of your responses must be verbal. You
13 can't just nod your head because the court reporter
14 needs to take down your answer.

15 Do you understand?

16 A. Understood.

17 Q. If you don't understand the question,
18 please let me know, and I will attempt to rephrase
19 it. Otherwise I will assume that you've understood
20 the question.

21 Are you currently taking any medication
22 which would impair your ability to remember things
23 or otherwise be able to testify here today?

24 A. No.

25 Q. You have already given your name and

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address for the record.

Can you give me your date of birth,
please?

A. 10/30/67.

Q. '67?

A. That's correct.

Q. Where were you born?

A. Kingston, Jamaica.

Q. When did you come to the United States?

A. 1991, I think.

Q. 1991?

A. Yes, I believe.

Q. You are currently a U.S. citizen?

MR. BERSTEIN: You can answer that.

A. No, I'm not a U.S. citizen.

Q. Do you have a green card?

MR. BERSTEIN: Don't answer that.

MR. SILBERSTEIN: You are directing her
not to answer that?

MR. BERNSTEIN: Can I ask the purpose of
the question, relevance of the question to the
threshold stipulated issue?

MR. SILBERSTEIN: I think it's more than
relevant whether she is allowed to legally work

1 GAYLE

2 in the United States. It's really a general
3 background type of question.

4 We believe there are substantial
5 inconsistencies with the documents submitted by
6 Ms. Gayle to the company which I intend to
7 exploit here today.

8 If you are directing her not to answer, we
9 can mark that for a ruling and get the judge on
10 the phone. We may want to wait until some of
11 these questions have accumulated so we don't
12 have to call her every single time.

13 MR. BERNSTEIN: I agree that that's a good
14 plan.

15 I will withdraw the instruction in this
16 instance. I will certainly allow her to answer
17 whether she's got a green card. But when it
18 comes to work authorization, for reasons that
19 we have discussed extensively in the
20 correspondence, I will be directing her not to
21 answer.

22 Q. You can answer the question.

23 Do you have a green card?

24 A. I don't wish to answer the question.

25 MR. BERNSTEIN: I think you should answer.

1 GAYLE

2 THE WITNESS: You think I should answer
3 the question?

4 A. My green card? Not at this time.

5 Q. You do not have a green card?

6 A. Pardon me?

7 MR. BERNSTEIN: By "green card" you mean
8 authorization of the law for permanent
9 residence, correct?

10 MR. SILBERSTEIN: Correct.

11 Q. Did you meet with anyone aside from your
12 attorneys to prepare for this deposition today?

13 A. No.

14 Q. Did you review any documents prior to
15 coming here today to prepare for the deposition?

16 A. No.

17 Q. Can you give me your educational
18 background beginning with high school, please?

19 A. I completed high school, I have been to
20 college and I have been to other secondary
21 institutions.

22 Q. Can you give me the name of the high
23 school you attended?

24 A. Berry Grove High School.

25 Q. Where is that located?

1 GAYLE

2 A. 77 Constant Spring Road, Kingston,
3 Jamaica, Kingston 10.

4 Q. That's where you graduated from high
5 school?

6 A. That's where I graduated from.

7 Q. You indicated that you attended college as
8 well?

9 A. Yes, I did.

10 Q. Where did you go to college?

11 A. Florida Hospital College, Sullivan County
12 Community College in Lock Sheldrake, New York.

13 Q. That's one college or is that two?

14 A. Florida Hospital College in Orlando,
15 Florida --

16 Q. Okay.

17 A. -- Sullivan County Community College in
18 Lock Sheldrake, New York.

19 Q. Let's go back to the one in Orlando.
20 What dates did you attend that college?

21 A. That was in 2003, spring through summer.

22 Q. Did you receive a diploma?

23 A. I did not finish. I only did some credits
24 there.

25 Q. Afterwards you attended a college in New

1 GAYLE

2 York State?

3 A. That's correct.

4 Q. What's the name of that college, again?

5 A. Sullivan County Community College.

6 Q. What were the dates that you attended
7 college there?

8 A. From 2003 to 2004.

9 Q. Did you get a diploma from Sullivan?

10 A. I did not finish, either.

11 MR. SILBERSTEIN: Off the record.

12 (Discussion held off the record.)

13 (Testimony was read back.)

14 Q. Any other college besides the one in
15 Orlando and Sullivan County?

16 A. As far as community colleges?

17 Q. Any college?

18 A. Well, I mentioned secondary institutions.

19 Q. Why don't you tell me those, as well.

20 A. American Medical Career Training Center, I
21 believe. I'm not exactly sure the name but it's
22 American Medical.

23 Q. I'll refer to it as American Medical.

24 Where is that located?

25 A. In Queens New York.

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2 Q. When did you attend American Medical?

3 A. I believe it was in 2000.

4 Q. That was prior to attending school in

5 Orlando?

6 A. That is prior to attending school in

7 Orlando.

8 Q. Did you receive any type of certification

9 or diploma --

10 A. Yes, I did, for CNA and patient care tech.

11 Q. CNA?

12 A. Certified nursing assistant.

13 Q. Okay.

14 A. And PCT, patient care tech.

15 Q. Any other secondary institutions?

16 A. I'm trying to remember.

17 I can't remember offhand right now.

18 Q. So it's possible that there may be more,

19 you just don't remember?

20 A. May or may not be.

21 Q. Just to be accurate, you've got a high

22 school diploma and you've got two certifications

23 from American Medical, CNA and PCT?

24 A. Yes, sir.

25 Q. Have you ever been known by any other

1 GAYLE

2 name?

3 A. Oh, I'm sorry. I have been to Sullivan
4 County BOCES in Liberty, New York.

5 Q. When did you attend Sullivan County BOCES?

6 A. '04 through '05.

7 Q. Did you receive any type of certification
8 or diploma from Sullivan County BOCES?

9 A. Yes, I did.

10 Q. What did you get?

11 A. Practical nursing.

12 Q. Practical nursing?

13 A. Mm-hm.

14 MR. BERNSTEIN: You have to say yes.

15 A. Yes.

16 Q. Ms. Gayle, have you ever been known by any
17 other name?

18 A. Yes.

19 Q. What other name?

20 A. Mathias, M-A-T-H-I-A-S.

21 Q. Is that a married name or a maiden name?

22 A. Yes, married name.

23 Q. Are you no longer married today?

24 A. No.

25 Q. Can you tell me the dates of your

1 GAYLE

2 marriage?

3 A. I really don't have an accurate memory of
4 that right now.

5 Q. Were you married in the United States or
6 in Jamaica?

7 A. In United States.

8 Q. So after you came to the United States in
9 1991 you got married?

10 A. Yes, sir.

11 Q. When were you divorced?

12 MR. BERNSTEIN: Objection. You can
13 answer.

14 A. I believe it was in '03 or '02, either
15 one. '02 or '03.

16 Q. Other than Mathias, have you been known by
17 any other name?

18 A. No.

19 Q. Have you ever been convicted of any crime?

20 A. No.

21 Q. Have you ever been arrested?

22 A. No.

23 Q. Other than the lawsuit that you filed
24 against the defendants in this case, have you ever
25 been a plaintiff in any other action?

1 GAYLE

2 A. No.

3 Q. Can you give me your work background since
4 you've been in the United States, please?

5 MR. BERNSTEIN: Objection. You can
6 answer.

7 A. When you say "work background," exactly
8 what are you looking for?

9 Q. I'd like to know all of the jobs that
10 you've held to the best of your recollection, since
11 you got to the United States, I think you said it
12 was in 1991?

13 A. Yes. I've worked as a cashier at Dunkin'
14 Donuts, I have worked as a nursing assistant at
15 several nursing homes and I have worked as a
16 practical nurse.

17 Q. When you say "practical nurse," is that
18 also referred to as an LPN?

19 A. Yes.

20 Q. Other than the job in Dunkin' Donuts,
21 you've basically focused your work efforts in the
22 medical field. Is that correct to say?

23 A. Yes.

24 Q. Either as a nursing assistant or as an
25 LPN?