

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 - :
:

AFFIDAVIT

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

Defendants. :
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STATE OF NEW YORK)
) ss:
COUNTY OF)

PATRICIA ROBINSON, being duly sworn, deposes and says:

1. On or about March 24, 2008, I caused to be filed with this court a consent to join this action for unpaid overtime premium pay. I make and submit this affidavit in opposition to defendant's motion for summary judgment and in support of Claudia Gayle's cross-motion to authorize notice of the action. I have personal knowledge of all facts stated in this affidavit.

2. I was employed by defendants as a licensed practical nurse and registered nurse for approximately 2 ½ years ending in early 2008. I was paid at different hourly rates depending on whether I was doing LPN work or RN work.

3. When I was employed by Harry's as a field nurse, I did not receive time and a half for overtime hours worked. This is because Harry's treated me as an independent contractor. Harry's required me to execute an memorandum of agreement stating that I was an independent contractor.

4. I am not, and never have been, in business for myself. I have no business cards, have never advertised, and have never solicited a patient directly. I am entirely dependent upon referrals from Harry's and similar placement agencies.

5. Harry's paid me in my own name. That is, I received my compensation from Harry's directly. I did not form a corporation or other business entity for the provision of nursing services, either during the time I worked for Harry's or before or after that time.

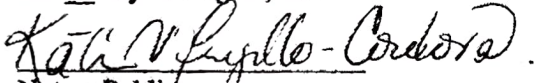
6. Harry's required me to obtain malpractice insurance, but none of the nursing jobs I have ever had has required professional liability insurance.

7. I believe that all of the field nurses employed by defendants are paid as described in above, and I am informed that Harry Dorvilier has so testified. I have been informed that this pay practice is unlawful.

8. I believe that most of the field nurses employed by defendants are unaware that the pay practice is unlawful, that many, if not most, of them, lack the resources to hire private counsel to prosecute a lawsuit on their behalf and that, if given the opportunity, they would opt in to the above-captioned lawsuit.


Patricia Robinson

Sworn to before me
this 1st day of August, 2008


Notary Public

Kaitie V. Trujillo-Cordova
Notary Public, State of New York
No. 01TR0188574
Qualified in Kings County
Commission Expires 06/21/2011