

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
CIVIL APPEAL PRE-ARGUMENT STATEMENT (FORM C)**

1. SEE NOTICE ON REVERSE

2. PLEASE TYPE OR PRINT

3. STAPLE ALL ADDITIONAL PAGES

Case Caption: Gayle, et. al. v. Harry's Nurse's Registry, Inc. (HNR) and Harry Dorvilier	District Court or Agency: Eastern District of NY	Judge: Hon. N. Garaufis
	Date the Order or Judgment Appealed from was Entered on the Docket: May 13, 2021	District Court Docket No.: 1:07-cv-04672
	Date the Notice of Appeal was Filed: June 9, 2021	Is this a Cross Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Attorney(s) for Appellant(s): <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant	Counsel's Name: George A. Rusk	Address: 70 Lamarck Drive Snyder, NY 14226	Telephone No.: 716-864-8373 716-839-3569	Fax No.:	E-mail: GeorgeRuskAtt@outlook.com
--	--	--	--	----------	---

Attorney(s) for Appellee(s): <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	Counsel's Name: Jonathan A. Bernstein	Address: 2108 Yardley Road Yardley, PA 19067	Telephone No.: 917-693-7245	Fax No.: 917-210-3896	E-mail: jb@lijblaw.com
---	---	--	---------------------------------------	---------------------------------	----------------------------------

Has Transcript Been Prepared? No	Approx. Number of Transcript Pages: NA	Number of Exhibits Appended to Transcript: NA *and 2d Cir Dock# 11-253	Has this matter been before this Circuit previously? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide the following: Case Name: Gayle et al. v. HNR and H. Dorvilier 2d Cir. Docket No.: 12-4764, 18-3472* Reporter Citation: (i.e., F.3d or Fed. App.) 594FAppx 714;18-3472 1/24/20
--	--	--	--

ADDENDUM "A": COUNSEL MUST ATTACH TO THIS FORM: (1) A BRIEF, BUT NOT PERFUNCTORY, DESCRIPTION OF THE NATURE OF THE ACTION; (2) THE RESULT BELOW; (3) A COPY OF THE NOTICE OF APPEAL AND A CURRENT COPY OF THE LOWER COURT DOCKET SHEET; AND (4) A COPY OF ALL RELEVANT OPINIONS/ORDERS FORMING THE BASIS FOR THIS APPEAL, INCLUDING TRANSCRIPTS OF ORDERS ISSUED FROM THE BENCH OR IN CHAMBERS.

ADDENDUM "B": COUNSEL MUST ATTACH TO THIS FORM A LIST OF THE ISSUES PROPOSED TO BE RAISED ON APPEAL, AS WELL AS THE APPLICABLE APPELLATE STANDARD OF REVIEW FOR EACH PROPOSED ISSUE.

PART A: JURISDICTION

1. <u>Federal Jurisdiction</u>		2. <u>Appellate Jurisdiction</u>	
<input type="checkbox"/> U.S. a party	<input type="checkbox"/> Diversity	<input checked="" type="checkbox"/> Final Decision	<input type="checkbox"/> Order Certified by District Judge (i.e., Fed. R. Civ. P. 54(b))
<input type="checkbox"/> Federal question (U.S. not a party)	<input checked="" type="checkbox"/> Other (specify): <u>Federal Law: FLSA</u>	<input type="checkbox"/> Interlocutory Decision Appealable As of Right	<input type="checkbox"/> Other (specify): _____

IMPORTANT. COMPLETE AND SIGN REVERSE SIDE OF THIS FORM.