

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CLAUDIA DESILVA, GREGG LAMBDIN,  
KELLY IWASIUK, EILEEN BATES-BORDIES,  
MARGARET HALL, AND BRENDA GAINES,  
*on behalf of themselves and all other employees  
similarly situated,*

Plaintiffs,

- against-

ORDER

CV 10-1341 (MKB)(ETB)

NORTH SHORE-LONG ISLAND JEWISH HEALTH  
SYSTEM INC., NORTH SHORE-LONG ISLAND  
JEWISH HEALTH CARE, INC., PENINSULA  
HOSPITAL CENTER, FOREST HILLS HOSPITAL,  
FRANKLIN HOSPITAL, GLEN COVE HOSPITAL,  
HUNTINGTON HOSPITAL ASSOCIATION, LONG  
ISLAND JEWISH MEDICAL CENTER, LONG ISLAND  
JEWISH HOSPITAL, ZUCKER HILLSIDE HOSPITAL,  
NORTH SHORE UNIVERSITY HOSPITAL,  
PLAINVIEW HOSPITAL, SCHNEIDER CHILDREN'S  
HOSPITAL, SOUTHSIDE HOSPITAL, STATEN  
ISLAND UNIVERSITY HOSPITAL, SYOSSET  
HOSPITAL, MICHAEL J. DOWLING, JOSEPH CABRAL,  
AND NORTH SHORE-LONG ISLAND JEWISH  
HEALTH SYSTEM 403B PLAN,

Defendants.

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I have reviewed the National Database of Nursing Quality Indicators (“NDQI”) Exhibits A-G submitted for in camera review. These documents relate to defendant hospital personnel and address areas such as meal breaks, non-meal breaks, hours worked, registered nurses working extra hours and staffing levels adjusted by shift, which are relevant disclosure in this action.

These surveys were taken of Huntington Hospital and Long Island Jewish Hospital personnel, who seek to be joined in this FLSA collective/class action complaint. While the survey results are blind as to the source of any particular responding employee at the named defendant facilities, these documents nonetheless meet the relevancy test under Rule 26(b) and are germane to claims and/or defenses in this action. See Fed. R. Civ. P. 26(b).

Accordingly, these documents shall be produced within five (5) days to the plaintiffs in toto subject to the terms of the confidentiality order issued today in this action.

In addition, an officer or director of North Shore-Long Island Jewish Health System, within fourteen (14) days, shall provide an affidavit attesting to the diligence of a search for similar “NDQI” surveys relating to other party defendants remaining in this action. Any such other surveys shall be produced within fourteen (14) days in addition to the affidavit noted above.

**SO ORDERED:**

Dated: Central Islip, New York  
April 24, 2013

/s/ E. Thomas Boyle  
E. THOMAS BOYLE  
United States Magistrate Judge