

10. Terremark, during the period I was employed by it, classified me and other IMEs as exempt employees and failed to pay overtime compensation due me and other IMEs for hours worked over 40. Also, Terremark failed to record all hours of work by me and other IMEs.

11. Beginning in September 2005, I complained to my superiors at Terremark, including my managers, Mark Sargent, Craig Thomason and Michael Byrd, and director Scott King, about the gross understaffing of IMEs at the Irving facility, including but not limited to an inadequate number of night shift IMEs and an inadequate number of total IMEs for the work and production required, causing me and other IMEs to devote time at home to work. I also complained about having to perform tasks that should have been performed by other only because fellow IMEs were so physically fatigued by work from home that they could not effectively perform their jobs at the Irving facility. In response to these complaints, management ignored the real issues of hours worked per IME and instead focused on statistics of desired productivity which completely ignored the root problem of understaffing. Terremark's IME turnover ratio was 90% or more during the last two years of my employment.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 18th, 2008.

  
Christopher Cruz Cranford