

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

ROBERT A. KATZMANN
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

Date: November 23, 2015
Docket #: 15-3775cv
Short Title: Melissa Zarda v. Altitude Express, Inc

DC Docket #: 10-cv-4334
DC Court: EDNY (CENTRAL ISLIP)
DC Judge: Shields
DC Judge: Bianco

DOCKETING NOTICE

A notice of appeal filed by Melissa Zarda and William Allen Moore, Jr. in the above referenced case was docketed today as 15-3775. This number must appear on all documents related to this case that are filed in this Court. For pro se parties the docket sheet with the caption page, and an Acknowledgment and Notice of Appearance Form are enclosed. In counseled cases the docket sheet is available on PACER. Counsel must access the Acknowledgment and Notice of Appearance Form from this Court's website <http://www.ca2.uscourts.gov>.

The form must be completed and returned within 14 days of the date of this notice. The form requires the following information:

YOUR CORRECT CONTACT INFORMATION: Review the party information on the docket sheet and note any incorrect information in writing on the Acknowledgment and Notice of Appearance Form.

The Court will contact one counsel per party or group of collectively represented parties when serving notice or issuing our order. Counsel must designate on the Acknowledgment and Notice of Appearance a lead attorney to accept all notices from this Court who, in turn will, be responsible for notifying any associated counsel.

CHANGE IN CONTACT INFORMATION: An attorney or pro se party who does not immediately notify the Court when contact information changes will not receive notices, documents and orders filed in the case.

An attorney and any pro se party who is permitted to file documents electronically in CM/ECF must notify the Court of a change to the user's mailing address, business address, telephone number, or e-mail. To update contact information, a Filing User must access PACER's Manage My Appellate Filer Account, <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-login.pl>. The Court's records will be updated within 1 business day of a user entering the change in PACER.

A pro se party who is not permitted to file documents electronically must notify the Court of a change in mailing address or telephone number by filing a letter with the Clerk of Court.

CAPTION: In an appeal, the Court uses the district court caption pursuant to FRAP 12(a), 32(a). For a petition for review or original proceeding the Court uses a caption pursuant to FRAP 15(a) or 21(a), respectively. Please review the caption carefully and promptly advise this Court of any improper or inaccurate designations in writing on the Acknowledgment and Notice of Appearance form. If a party has been terminated from the case the caption may reflect that change only if the district court judge ordered that the caption be amended.

APPELLATE DESIGNATIONS: Please review whether appellant is listed correctly on the party listing page of the docket sheet and in the caption. If there is an error, please note on the Acknowledgment and Notice of Appearance Form. Timely submission of the Acknowledgment and Notice of Appearance Form will constitute compliance with the requirement to file a Representation Statement required by FRAP 12(b).

For additional information consult the Court's instructions posted on the website.

Inquiries regarding this case may be directed to 212-857-8526.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MELISSA ZARDA AND WILLIAM)
MOORE AS CO-INDEPENDENT)
EXECUTORS OF THE ESTATE OF)
DONALD ZARDA,)

Plaintiff)

vs.)

ALTITUDE EXPRESS AND RAYMOND)
MAYNARD)

Defendants

NOTICE OF APPEAL

10-4334 (JFB)

NOTICE IF HEREBY GIVEN that Plaintiff, the Estate of Donald Zarda, appeals to the United States Court of Appeals for the Second Circuit from the Judgment of the District Court of the Eastern District of New York, dated October 27, 2015 and entered in this action on or about the same day, bringing up on review every part of said judgment.

Dated: New York, New York
20 November 2015

/s/
GREGORY ANTOLLINO, ESQ.
275 Seventh Avenue, Ste 705
New York, NY 10001
(212) 334-7397
gantollino@nyc.rr.com

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:10-cv-04334-JFB-AYS
Internal Use Only**

Zarda v. Altitude Express, Inc. et al
Assigned to: Judge Joseph F. Bianco
Referred to: Magistrate Judge Anne Y. Shields
Cause: 28:1331 Fed. Question: Fair Labor Standards

Date Filed: 09/23/2010
Date Terminated: 10/28/2015
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Melissa Zarda
*co-independent executors of the estate of
Donald Zarda*

represented by **Gregory S. Antollino**
18-20 West 21st Street
#802
New York, NY 10010
212-334-7397
Email: gantollino@nyc.rr.com
ATTORNEY TO BE NOTICED

Richard J. Cardinale
The Law Firm of Richard J. Cardinale
26 Court Street
Suite 1815
Brooklyn, NY 11242
718-624-9391
Fax: 718-624-4748
Email: richcardinale@gmail.com
ATTORNEY TO BE NOTICED

Plaintiff

William Allen Moore, Jr.
*co-independent executor of the estate of
Donald Zarda*

represented by **Gregory S. Antollino**
Gregory Antollino, Esq.
725 Seventh Ave
Suite 705
New York, NY 10001
212-334-7397
Fax: 212-334-7399
Email: gantollino@nyc.rr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Altitude Express, Inc.
*doing business as
Skydive Long Island*

represented by **Saul D. Zabell**
Zabell & Associates, P.C.
4875 Sunrise Highway
Suite 300
Bohemia, NY 11716
631-589-7242
Fax: 631-563-7475
Email: SZabell@laborlawsny.com
ATTORNEY TO BE NOTICED

Defendant

Ray Maynard

represented by **Saul D. Zabell**
(See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 09/23/2010 | <u>1</u> | COMPLAINT against Altitude Express, Inc., Ray Maynard Disclosure Statement on Civil Cover Sheet completed –NO., filed by Donald Zarda. (Attachments: # <u>1</u> Civil Cover Sheet) (Serret, Liliana) (Entered: 09/29/2010) |
| 09/23/2010 | | FILING FEE: \$ 350.00, receipt number 4653019994 (Serret, Liliana) (Entered: 09/29/2010) |
| 09/23/2010 | | Summons Issued as to Altitude Express, Inc., Ray Maynard. (Serret, Liliana) (Entered: 09/29/2010) |
| 09/30/2010 | | Case Ineligible for Arbitration (Bollbach, Jean) (Entered: 09/30/2010) |
| 10/21/2010 | <u>2</u> | SUMMONS Returned Executed by Donald Zarda. Altitude Express, Inc. served on 9/27/2010, answer due 10/18/2010. (Antollino, Gregory) (Entered: 10/21/2010) |
| 10/21/2010 | <u>3</u> | WAIVER OF SERVICE Returned Executed by Donald Zarda. Ray Maynard waiver sent on 9/24/2010, answer due 11/23/2010. (Antollino, Gregory) (Entered: 10/21/2010) |
| 11/01/2010 | <u>4</u> | NOTICE of Appearance by Saul D. Zabell on behalf of Altitude Express, Inc., Ray Maynard (aty to be noticed) (Zabell, Saul) (Entered: 11/01/2010) |
| 11/23/2010 | <u>5</u> | Letter MOTION for pre motion conference re <u>1</u> Complaint by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 11/23/2010) |
| 11/23/2010 | | ORDER granting <u>5</u> Motion for Pre Motion Conference. The Court has received the defendants' letter, dated November 23, 2010, requesting a pre-motion conference in anticipation of moving to dismiss. IT IS HEREBY ORDERED that the parties shall participate in a telephone pre-motion conference on Wednesday, December 8, 2010 at 2:00 p.m. At that time, counsel for defendants shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712 5670. Prior to the date of the conference, plaintiff may submit a letter pursuant to Individual Rule III.A explaining why the proposed motion is likely to be unsuccessful. SO ORDERED. Ordered by Judge Joseph F. Bianco on 11/23/2010. (Cooney, John) (Entered: 11/23/2010) |
| 11/30/2010 | <u>6</u> | Letter <i>in response to request for pre motion conference</i> by Donald Zarda (Attachments: # <u>1</u> Exhibit cited case) (Antollino, Gregory) (Entered: 11/30/2010) |
| 11/30/2010 | <u>7</u> | MOTION to Adjourn Conference <i>to an earlier or later time the same day</i> by Donald Zarda. (Antollino, Gregory) (Entered: 11/30/2010) |
| 12/01/2010 | | ORDER granting <u>7</u> Motion to Adjourn Conference. By letter dated November 30, 2010, plaintiff requested to reschedule the December 8, 2010 pre-motion conference. IT IS HEREBY ORDERED that plaintiff's request is granted. The pre-motion conference is rescheduled for Thursday, December 9, 2010 at 1:30 p.m. SO ORDERED. Ordered by Judge Joseph F. Bianco on 12/1/2010. (Cooney, John) (Entered: 12/01/2010) |
| 12/09/2010 | <u>8</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco: Telephone pre motion Conference held on 12/9/2010; motion to be filed by 1/10/11; response by 2/10/11; reply by 2/24/11; oral argument 3/11/11 at 1:30 pm; submit the proposed schedule to the court by 12/17/10 (Court Reporter ftr 1:38 – 1:51.) (Bollbach, Jean) (Entered: 12/09/2010) |
| 12/09/2010 | | ORDER. IT IS HEREBY ORDERED that the automatic referral to the Magistrate Judge for non-dispositive pretrial matters under Local Civil Rule 72.2 is withdrawn in this case and all proceedings, including discovery conferences and all other non-dispositive pre-trial matters, will occur before the District Judge, unless a specific referral is made to the Magistrate Judge at some future time. SO ORDERED. Ordered by Judge Joseph F. Bianco on 12/9/2010. (Cooney, John) (Entered: 12/09/2010) |
| 12/10/2010 | <u>9</u> | Proposed Scheduling Order by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 12/10/2010) |

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| 12/10/2010 | <u>10</u> | SCHEDULING ORDER: deadline for commencement of motion for joinder of additional parties or amendment of pleadings: March 4, 2011; discovery by Sept. 9, 2011; dispositive motion by Oct. 7, 2011; final conf. Oct 21, 2011 at 10:00 am. Ordered by Judge Joseph F. Bianco on 12/10/2010. (Bollbach, Jean) (Entered: 12/14/2010) |
| 12/16/2010 | <u>11</u> | Corporate Disclosure Statement by Altitude Express, Inc. (Zabell, Saul) (Entered: 12/16/2010) |
| 01/10/2011 | <u>12</u> | Letter by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 01/10/2011) |
| 01/10/2011 | <u>13</u> | ANSWER to <u>1</u> Complaint by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 01/10/2011) |
| 02/04/2011 | <u>14</u> | First MOTION for Discovery <i>Hearing or Conference</i> by Donald Zarda. (Antollino, Gregory) (Entered: 02/04/2011) |
| 02/07/2011 | | ORDER re <u>14</u> : The plaintiff's application must be redirected to Judge Bianco. By order dated December 9, 2010, Judge Bianco withdrew the automatic referral to the undersigned for non-dispositive pretrial matters. Ordered by Magistrate Judge Arlene R. Lindsay on 2/7/2011. c/ecf (Miller, Dina) (Entered: 02/07/2011) |
| 02/07/2011 | | SCHEDULING ORDER: IT IS HEREBY ORDERED that the parties shall participate in a telephone conference on Wednesday, February 9, 2011 at 4:00 p.m. to discuss plaintiff's letter dated February 4, 2011. At that time, counsel for plaintiff shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712 5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 2/7/2011. (Cooney, John) (Entered: 02/07/2011) |
| 02/07/2011 | <u>15</u> | RESPONSE in Opposition re <u>14</u> First MOTION for Discovery <i>Hearing or Conference</i> filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 02/07/2011) |
| 02/09/2011 | <u>16</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco: Telephone status Conference held on 2/9/2011. (Court Reporter Owen Wicker.) (Bollbach, Jean) (Entered: 02/10/2011) |
| 02/11/2011 | <u>17</u> | Letter MOTION to Compel <i>Discovery</i> by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 02/11/2011) |
| 02/11/2011 | <u>18</u> | RESPONSE to Motion re <u>17</u> Letter MOTION to Compel <i>Discovery</i> filed by Donald Zarda. (Antollino, Gregory) (Entered: 02/11/2011) |
| 02/11/2011 | <u>19</u> | Letter MOTION to Compel <i>Discovery</i> by Altitude Express, Inc., Ray Maynard. (Attachments: # <u>1</u> Exhibit) (Zabell, Saul) (Entered: 02/11/2011) |
| 02/15/2011 | | SCHEDULING ORDER: The Court has received the defendants' letter informing the court of a discovery dispute. IT IS HEREBY ORDERED that the parties shall participate in a telephone conference on Friday, February 25, 2011 at 2:30 p.m. At that time, counsel for defendants shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712 5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 2/15/2011. (Cooney, John) (Entered: 02/15/2011) |
| 02/16/2011 | <u>20</u> | Letter MOTION to Adjourn Conference <i>scheduled for February 25, 2011 at 2:30 pm</i> by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 02/16/2011) |
| 02/18/2011 | | SCHEDULING ORDER: The Court has received the defendants' letter requesting an adjournment of the telephone conference scheduled for February 25, 2011. IT IS HEREBY ORDERED that the telephone conference is rescheduled for Tuesday, March 1, 2011 at 2:30 p.m. At that time, counsel for defendants shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712 5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 2/18/2011. (Cooney, John) (Entered: 02/18/2011) |
| 02/22/2011 | <u>21</u> | MOTION to Amend/Correct/Supplement <u>1</u> Complaint by Donald Zarda. (Attachments: # <u>1</u> Exhibit proposed amended complaint) (Antollino, Gregory) (Entered: 02/22/2011) |

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| 02/23/2011 | <u>22</u> | RESPONSE in Opposition re <u>21</u> MOTION to Amend/Correct/Supplement <u>1</u> Complaint filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 02/23/2011) |
| 02/23/2011 | <u>23</u> | REPLY in Support re <u>21</u> MOTION to Amend/Correct/Supplement <u>1</u> Complaint filed by Donald Zarda. (Antollino, Gregory) (Entered: 02/23/2011) |
| 02/28/2011 | | SCHEDULING ORDER: Due to a conflict in the Court's calendar, the telephone conference concerning the discovery dispute scheduled for March 1, 2011 is rescheduled for Friday, March 4, 2011 at 1:15 p.m. At that time, counsel for defendants shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712 5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 2/28/2011. (Cooney, John) (Entered: 02/28/2011) |
| 02/28/2011 | <u>24</u> | Letter MOTION to Adjourn Conference <i>currently scheduled for March 4, 2011 at 1:15 p.m.</i> by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 02/28/2011) |
| 03/02/2011 | | ORDER granting <u>24</u> Motion to Adjourn Conference. The Court has received the defendants' letter requesting an adjournment of the telephone conference concerning the discovery dispute scheduled for March 4, 2011. IT IS HEREBY ORDERED that the telephone conference is rescheduled for Friday, March 11, 2011 at 9:30 a.m. At that time, counsel for defendants shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712 5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 3/2/2011. (Cooney, John) (Entered: 03/02/2011) |
| 03/09/2011 | <u>25</u> | Letter <i>Requesting pre-motion conference</i> by Donald Zarda (Antollino, Gregory) (Entered: 03/08/2011) |
| 03/09/2011 | | SCHEDULING ORDER: The Court has received the plaintiff's letter, dated March 8, 2011, requesting a pre-motion conference in anticipation of moving to disqualify defendants' counsel. IT IS HEREBY ORDERED that the parties shall discuss this matter at the telephone conference concerning the discovery dispute scheduled for March 11, 2011 at 9:30 a.m. SO ORDERED. Ordered by Judge Joseph F. Bianco on 3/9/2011. (Cooney, John) (Entered: 03/09/2011) |
| 03/10/2011 | <u>26</u> | REPLY in Opposition re <u>25</u> Letter filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 03/10/2011) |
| 03/11/2011 | <u>27</u> | Minute Order. for proceedings held before Judge Joseph F. Bianco:granting <u>21</u> Motion to Amend/Correct/Supplement; Telephone Conference held on 3/11/2011. Amended complaint to be filed by 3/18/11 (Court Reporter ftr 9:47 – 10:02.) (Bollbach, Jean) (Entered: 03/11/2011) |
| 03/11/2011 | | (Court only) ***Documents terminated: <u>17</u> Letter MOTION to Compel <i>Discovery</i> filed by Ray Maynard, Altitude Express, Inc. – refiled correctly as doc #19 with attachments (Bollbach, Jean) (Entered: 03/11/2011) |
| 03/11/2011 | | (Court only) ***Documents terminated: <u>20</u> Letter MOTION to Adjourn Conference <i>scheduled for February 25, 2011 at 2:30 pm</i> filed by Ray Maynard, Altitude Express, Inc. – granted by order dtd. 2/18/11 (Bollbach, Jean) (Entered: 03/11/2011) |
| 03/11/2011 | <u>28</u> | AMENDED COMPLAINT against Altitude Express, Inc., Ray Maynard, filed by Donald Zarda. (Antollino, Gregory) (Entered: 03/11/2011) |
| 03/11/2011 | <u>29</u> | ORDER granting <u>19</u> Motion to Compel; (Amended Pleadings due by 3/18/2011.) The amended complaint shall be filed no later than March 18, 2011. (Signed by: Joseph F. Bianco, United States District Judge, on March 11, 2011). (Fagan, Linda) (Entered: 03/16/2011) |
| 03/22/2011 | <u>30</u> | ANSWER to <u>28</u> Amended Complaint by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 03/22/2011) |
| 04/08/2011 | <u>31</u> | First MOTION to Compel by Donald Zarda. (Attachments: # <u>1</u> Exhibit Waiver form) (Antollino, Gregory) (Entered: 04/08/2011) |

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| 04/12/2011 | <u>32</u> | RESPONSE in Opposition re <u>31</u> First MOTION to Compel filed by Altitude Express, Inc., Ray Maynard. (Attachments: # <u>1</u> Exhibit) (Zabell, Saul) (Entered: 04/12/2011) |
| 04/12/2011 | <u>33</u> | REPLY in Support re <u>31</u> First MOTION to Compel filed by Donald Zarda. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Antollino, Gregory) (Entered: 04/12/2011) |
| 04/13/2011 | <u>34</u> | MOTION to Compel <i>Discovery or Production of Documents under F.R.C.P. 37 et seq.</i> by Altitude Express, Inc., Ray Maynard. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit) (Zabell, Saul) (Entered: 04/13/2011) |
| 04/13/2011 | <u>35</u> | MOTION to Strike <u>34</u> MOTION to Compel <i>Discovery or Production of Documents under F.R.C.P. 37 et seq. as excessive and in violation of the local rules and the Court's individual rules</i> by Donald Zarda. (Antollino, Gregory) (Entered: 04/13/2011) |
| 04/13/2011 | <u>36</u> | Letter <i>in response to Plaintiff's surreply</i> by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 04/13/2011) |
| 04/14/2011 | <u>37</u> | RESPONSE in Opposition re <u>35</u> MOTION to Strike <u>34</u> MOTION to Compel <i>Discovery or Production of Documents under F.R.C.P. 37 et seq. as excessive and in violation of the local rules and the Court's individual rules</i> filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 04/14/2011) |
| 04/14/2011 | <u>38</u> | Letter MOTION for pre motion conference by Altitude Express, Inc., Ray Maynard. (Attachments: # <u>1</u> Exhibit) (Zabell, Saul) (Entered: 04/14/2011) |
| 04/18/2011 | <u>39</u> | Letter <i>in response to request for premotion conference to quash subpoena</i> by Donald Zarda (Antollino, Gregory) (Entered: 04/18/2011) |
| 05/05/2011 | <u>40</u> | Letter <i>concerning new matters in discovery</i> by Donald Zarda (Antollino, Gregory) (Entered: 05/05/2011) |
| 05/05/2011 | <u>41</u> | REPLY in Opposition to <i>Plaintiff's 5/5/11 letter concerning new matters in discovery</i> filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 05/05/2011) |
| 05/05/2011 | <u>42</u> | Letter <i>in further support of discovery by plaintiff and other relief</i> by Donald Zarda (Antollino, Gregory) (Entered: 05/05/2011) |
| 05/06/2011 | | ORDER. By letter dated May 5, 2011, plaintiff requests a pre-motion conference on the issue of disqualifying counsel for defendants from representing non-party witnesses. IT IS HEREBY ORDERED that the pre-motion conference requirement is waived. The parties shall adhere to the following briefing schedule for plaintiff's motion. Plaintiff's motion is due June 6, 2011; Defendants' response is due July 6, 2011; Plaintiff's reply is due July 20, 2011. The Court will determine if oral argument is necessary after the matter is fully submitted. IT IS FURTHER ORDERED that plaintiff's pending motion to strike defendants' 176-page discovery motion is denied. IT IS FURTHER ORDERED that the parties abide by the following briefing schedule: plaintiff's opposition is due by May 27, 2011 and defendants' reply is due June 8, 2011. IT IS FURTHER ORDERED that the page limit requirement is waived for plaintiff's opposition. IT IS FURTHER ORDERED that the Court will consider plaintiff's request to compel plaintiff's deposition after the above-referenced matters are decided. SO ORDERED. Ordered by Judge Joseph F. Bianco on 5/6/2011. (Cooney, John) (Entered: 05/06/2011) |
| 05/12/2011 | <u>43</u> | Letter <i>regarding Your Honor's May 6, 2011 Order</i> by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 05/12/2011) |
| 05/12/2011 | <u>44</u> | Letter <i>in response to defendants' letter of 5/12/11</i> by Donald Zarda (Antollino, Gregory) (Entered: 05/12/2011) |
| 05/27/2011 | <u>45</u> | MEMORANDUM in Opposition re <u>34</u> MOTION to Compel <i>Discovery or Production of Documents under F.R.C.P. 37 et seq.</i> filed by Donald Zarda. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Antollino, Gregory) (Entered: 05/27/2011) |

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| 06/06/2011 | <u>46</u> | MOTION to Disqualify Counsel <i>and to hold two witnesses in contempt and for other relief</i> by Donald Zarda. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Errata G) (Antollino, Gregory) (Entered: 06/06/2011) |
| 06/06/2011 | <u>47</u> | MEMORANDUM in Support re <u>46</u> MOTION to Disqualify Counsel <i>and to hold two witnesses in contempt and for other relief</i> filed by Donald Zarda. (Antollino, Gregory) (Entered: 06/06/2011) |
| 06/06/2011 | <u>48</u> | MEMORANDUM in Support re <u>46</u> MOTION to Disqualify Counsel <i>and to hold two witnesses in contempt and for other relief</i> SIGNED LETTER BRIEF (DOCUMENT # 47 IS UNSIGNED) filed by Donald Zarda. (Antollino, Gregory) (Entered: 06/06/2011) |
| 06/08/2011 | <u>49</u> | REPLY in Support re <u>34</u> MOTION to Compel <i>Discovery or Production of Documents under F.R.C.P. 37 et seq.</i> filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 06/08/2011) |
| 07/06/2011 | <u>50</u> | MEMORANDUM in Opposition re <u>48</u> Memorandum in Support filed by Altitude Express, Inc., Ray Maynard. (Attachments: # <u>1</u> Declaration of Saul Zabell, Esq.) (Zabell, Saul) (Entered: 07/06/2011) |
| 07/13/2011 | <u>51</u> | REPLY in Support re <u>46</u> MOTION to Disqualify Counsel <i>and to hold two witnesses in contempt and for other relief</i> filed by Donald Zarda. (Antollino, Gregory) (Entered: 07/13/2011) |
| 08/09/2011 | <u>52</u> | Letter MOTION for Extension of Time to Complete Discovery by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 08/09/2011) |
| 08/10/2011 | | SCHEDULING ORDER: IT IS HEREBY ORDERED that oral argument is scheduled for Wednesday, August 24, 2011 at 2:00 p.m. for plaintiff's motion to disqualify counsel from representing non-party witnesses and defendants' motion to compel. In addition, the Court has received defendants' request for an extension of time to complete discovery. IT IS FURTHER ORDERED that a new discovery deadline will be set following the Court's ruling on the pending motions. SO ORDERED. Ordered by Judge Joseph F. Bianco on 8/10/2011. (Cooney, John) (Entered: 08/10/2011) |
| 08/10/2011 | <u>53</u> | Letter MOTION to Adjourn Conference by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 08/10/2011) |
| 08/11/2011 | | ORDER granting <u>53</u> Motion to Adjourn Conference. By letter dated August 10, 2011, defendants request to adjourn the oral argument scheduled for August 24, 2011 until after Labor Day. IT IS HEREBY ORDERED that, on consent, defendants' request is granted. Oral argument concerning plaintiff's motion to disqualify counsel from representing non-party witnesses and defendants' motion to compel is rescheduled for Monday, September 12, 2011 at 3:00 p.m. SO ORDERED. Ordered by Judge Joseph F. Bianco on 8/11/2011. (Cooney, John) (Entered: 08/11/2011) |
| 08/24/2011 | <u>54</u> | Second MOTION to Adjourn Conference <i>for September 12 to September 19</i> by Donald Zarda. (Antollino, Gregory) (Entered: 08/24/2011) |
| 08/24/2011 | | ORDER granting <u>54</u> Motion to Adjourn Conference. By letter dated August 24, 2011, plaintiff requests to adjourn the oral argument scheduled for September 12, 2011 until September 19, 2011 at 4:30 p.m. IT IS HEREBY ORDERED that, on consent, plaintiff's request is granted. SO ORDERED. Ordered by Judge Joseph F. Bianco on 8/24/2011. (Cooney, John) (Entered: 08/24/2011) |
| 09/19/2011 | <u>55</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco: Oral Argument held on 9/19/2011 at 4:30. Attorney for plaintiff, Gregory Antollino present. Saul Zabell attorney for defendant present. Case called. Conference held. Argument heard. Plaintiff's motion to compel; within 10 days, def's to produce names and addresses of co-workers for 2009 and 2010 summers, names and addresses of two customers at issue and jump log. Defts.' motion to compel plaintiff to produce any facebook communication from 2008-10 that expressed emotional trauma and tax returns. Other financial records related to other company is denied at this juncture. Medical treatment records from 2008-present to be provided to the Court for ex |

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| | | parte in camera review. Denied in all other respects. Plaintiffs' motion to disqualify counsel is denied. Motion for costs denied. Parties to submit deposition schedule, with plaintiff proceeding first, to the Court within two weeks. (Tape #4:41-5:41.) (Padilla, Kristin) (Entered: 10/03/2011) |
| 10/19/2011 | <u>56</u> | Letter <i>informing the court as to agreed upon discovery deadline</i> by Donald Zarda (Antollino, Gregory) (Entered: 10/19/2011) |
| 10/20/2011 | | SCHEDULING ORDER: IT IS HEREBY ORDERED that discovery in this case shall end on March 23, 2012. The parties shall participate in a telephone conference on Wednesday, April 4, 2012 at 11:00 a.m. At that time, counsel for the plaintiff shall initiate the call, and once all parties are on the line, shall contact chambers at (631)712-5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 10/20/2011. (Maxwell, Rita) (Entered: 10/20/2011) |
| 11/15/2011 | <u>57</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Telephone status Conference held on 11/15/2011; RE: deposition dispute. Non-party witnesses David Kenglo and Rose Orellana want to be deposed together at the same time. Court rules that the non-party witnesses will be deposed separately and will not be present at each other's deposition. (Tape #ftr 1:32 - 1:41.) (Bollbach, Jean) (Entered: 11/16/2011) |
| 11/18/2011 | | Magistrate Judge Gary R. Brown added. Magistrate Judge Arlene R. Lindsay no longer assigned to case. (Bowens, Priscilla) (Entered: 11/18/2011) |
| 12/09/2011 | | ORDER terminating <u>52</u> Motion for Extension of Time to Complete Discovery. Motion terminated. See Scheduling Order dated October 20, 2011. Ordered by Judge Joseph F. Bianco on 12/9/2011. (Maxwell, Rita) (Entered: 12/09/2011) |
| 12/09/2011 | | ORDER terminating <u>35</u> Motion to Strike. Motion terminated. See Order dated May 6, 2011. Ordered by Judge Joseph F. Bianco on 12/9/2011. (Maxwell, Rita) (Entered: 12/09/2011) |
| 12/12/2011 | | ORDER terminating <u>31</u> Motion to Compel; terminating <u>34</u> Motion to Compel; terminating <u>38</u> Motion for Pre Motion Conference; terminating <u>46</u> Motion to Disqualify Counsel. Motions terminated. See Docket Entry 55. Ordered by Judge Joseph F. Bianco on 12/12/2011. (Maxwell, Rita) (Entered: 12/12/2011) |
| 12/15/2011 | <u>58</u> | MOTION for Discovery <i>to compel a subpoena</i> by Donald Zarda. (Attachments: # <u>1</u> Exhibit) (Antollino, Gregory) (Entered: 12/15/2011) |
| 12/15/2011 | | SCHEDULING ORDER: IT IS HEREBY ORDERED that the parties shall participate in a telephone conference on Friday, December 16, 2011 at 9:30 a.m. At that time, counsel for plaintiff shall initiate the call and, once all parties are on the line, contact Chambers at (631) 712 5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 12/15/2011. (Maxwell, Rita) (Entered: 12/15/2011) |
| 12/16/2011 | <u>59</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Telephone status Conference held on 12/16/2011 - re: deposition dispute. Deposition to take place 12/21/11 as discussed on the record (Tape #ftr 9:40 - 9:46.) (Bollbach, Jean) (Entered: 12/16/2011) |
| 12/16/2011 | | ORDER terminating <u>58</u> Motion for Discovery, Motion terminated. See docket entry 59. Ordered by Judge Joseph F. Bianco on 12/16/2011. (Maxwell, Rita) (Entered: 12/16/2011) |
| 02/18/2012 | <u>60</u> | Letter <i>requesting briefing schedule, etc.</i> by Donald Zarda (Antollino, Gregory) (Entered: 02/18/2012) |
| 02/21/2012 | | SCHEDULING ORDER: By letter dated February 18, 2012, plaintiff requests a briefing schedule regarding outstanding discovery disputes. IT IS HEREBY ORDERED that the parties shall abide by the following briefing schedule: motions regarding outstanding discovery shall be filed by March 21, 2012; oppositions shall be filed by April 23, 2012; reply briefs shall be filed by May 7, 2012; oral argument shall be held on Wednesday, June 13, 2012 at 2:00 p.m. IT IS FURTHER ORDERED that the page limitations of the Local Rules are waived for this briefing. SO ORDERED. Ordered by Judge Joseph F. Bianco on 2/21/2012. (Maxwell, Rita) (Entered: 02/21/2012) |

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| 03/21/2012 | <u>61</u> | Second MOTION to Compel , Second MOTION for Sanctions , Second MOTION for Extension of Time to Complete Discovery by Donald Zarda. (Antollino, Gregory) (Entered: 03/21/2012) |
| 03/21/2012 | <u>62</u> | DECLARATION re <u>61</u> Second MOTION to Compel Second MOTION for Sanctions Second MOTION for Extension of Time to Complete Discovery by Donald Zarda (Attachments: # <u>1</u> Exhibit A–Maynard Dep., # <u>2</u> Exhibit B–Picture of timer, # <u>3</u> Exhibit C– Winstock Dep, # <u>4</u> Exhibit D–Orellana Dep., # <u>5</u> Exhibit E–Kengle Dep., # <u>6</u> Exhibit F–Callanan Dep., # <u>7</u> Exhibit G– D's response to P's 2d ComBined demand, # <u>8</u> Exhibit H– Apparent Ripoff Report Complaint, # <u>9</u> Exhibit I– Apparent REsponse by Maynard to Ripoff report, # <u>10</u> Exhibit J Declaration of Saul Zabell, # <u>11</u> Exhibit K– emails between Antollino and Zabell, # <u>12</u> Exhibit L – portion of deposition in unrelated case, # <u>13</u> Exhibit M – portion of defendants' amended document response, # <u>14</u> Exhibit N – Letter from Zabell to Antollino, # <u>15</u> Exhibit O – Letter from Zabell to Court, # <u>16</u> Exhibit P – email to defendant regarding Zarda, # <u>17</u> Exhibit Q– Letter of Saul Zabell to Court 4/12/11, # <u>18</u> Exhibit R– Sanchez declaration, # <u>19</u> Exhibit S – portions of deposition of Donald Zarda) (Antollino, Gregory) (Entered: 03/21/2012) |
| 03/21/2012 | <u>63</u> | MEMORANDUM in Support re <u>61</u> Second MOTION to Compel Second MOTION for Sanctions Second MOTION for Extension of Time to Complete Discovery filed by Donald Zarda. (Antollino, Gregory) (Entered: 03/21/2012) |
| 04/03/2012 | | ORDER. In light of the on–going briefing and upcoming oral argument regarding the parties' discovery disputes, IT IS HEREBY ORDERED that the conference scheduled for April 4, 2012 is canceled. SO ORDERED. Ordered by Judge Joseph F. Bianco on 4/3/2012. (Maxwell, Rita) (Entered: 04/03/2012) |
| 04/23/2012 | <u>64</u> | MEMORANDUM in Opposition to <i>Plaintiff's Motion to Compel</i> filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 04/23/2012) |
| 04/23/2012 | <u>65</u> | AFFIDAVIT/DECLARATION in Opposition re <u>61</u> Second MOTION to Compel Second MOTION for Sanctions Second MOTION for Extension of Time to Complete Discovery of <i>Saul Zabell</i> filed by Altitude Express, Inc., Ray Maynard. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6) (Zabell, Saul) (Entered: 04/23/2012) |
| 05/07/2012 | <u>66</u> | REPLY in Support re <u>61</u> Second MOTION to Compel Second MOTION for Sanctions Second MOTION for Extension of Time to Complete Discovery filed by Donald Zarda. (Attachments: # <u>1</u> Exhibit A – portion Zarda Dep.) (Antollino, Gregory) (Entered: 05/07/2012) |
| 05/14/2012 | <u>67</u> | Letter <i>Regarding Plaintiff's Request for Sanctions</i> by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 05/14/2012) |
| 05/14/2012 | <u>68</u> | Letter <i>in response to Mr. Zabell's request to expand the record</i> by Donald Zarda (Antollino, Gregory) (Entered: 05/14/2012) |
| 05/15/2012 | <u>69</u> | Letter <i>in further response to Mr. Zabell's May 14 letter</i> by Donald Zarda (Attachments: # <u>1</u> Exhibit documents referenced in letter) (Antollino, Gregory) (Entered: 05/15/2012) |
| 06/12/2012 | <u>70</u> | Letter <i>regarding additional information for the June 13 oral argument</i> by Donald Zarda (Attachments: # <u>1</u> Exhibit 1 Transcript, # <u>2</u> Exhibit 2 Subpoena from Zabell 5/24, # <u>3</u> Exhibit 3 Email cancelling deposition) (Antollino, Gregory) (Entered: 06/12/2012) |
| 06/13/2012 | <u>71</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Oral Argument held on 6/13/2012 – letter to be submitted to the court by 6/20/12. Letter response to be submitted to the court by 6/17/12. Discovery is extended to 11/30/12 (Bollbach, Jean) (Entered: 06/14/2012) |
| 06/20/2012 | <u>72</u> | First MOTION for Protective Order by Altitude Express, Inc., Ray Maynard. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Zabell, Saul) (Entered: 06/20/2012) |
| 06/22/2012 | <u>73</u> | REPLY to Response to Motion re <u>72</u> First MOTION for Protective Order and <i>CROSS MOTION for certain relief</i> filed by Donald Zarda. (Antollino, Gregory) (Entered: 06/22/2012) |

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| 06/26/2012 | <u>74</u> | REPLY to Response to Motion re <u>72</u> First MOTION for Protective Order filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 06/26/2012) |
| 07/17/2012 | <u>75</u> | ORDER denying <u>72</u> Motion for Protective Order. ORDERED that plaintiff is entitled to documentation regarding the days in which he worked but did not jump. Ordered by Judge Joseph F. Bianco on 7/17/2012. (Bollbach, Jean) (Entered: 07/18/2012) |
| 07/20/2012 | <u>76</u> | MOTION in Limine <i>to admit Professor Kenji Yoshino's Opinion and to make defendant pay for 8.75 hours of preparation time for a deposition</i> by Donald Zarda. (Antollino, Gregory) (Entered: 07/20/2012) |
| 07/20/2012 | <u>77</u> | DECLARATION re <u>76</u> MOTION in Limine <i>to admit Professor Kenji Yoshino's Opinion and to make defendant pay for 8.75 hours of preparation time for a deposition declaration of Kenji Yoshino</i> by Donald Zarda (Attachments: # <u>1</u> Exhibit A–Yoshino Report, # <u>2</u> Exhibit B–Yoshino cv, # <u>3</u> Exhibit C– Subpoena & letter from Zabell, # <u>4</u> Exhibit D – Yohsino's hours of preparation before cancellation of deposition) (Antollino, Gregory) (Entered: 07/20/2012) |
| 07/20/2012 | <u>78</u> | DECLARATION re <u>76</u> MOTION in Limine <i>to admit Professor Kenji Yoshino's Opinion and to make defendant pay for 8.75 hours of preparation time for a deposition Declaration of Gregory Antollino</i> by Donald Zarda (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4) (Antollino, Gregory) (Entered: 07/20/2012) |
| 07/20/2012 | <u>79</u> | MEMORANDUM in Support re <u>76</u> MOTION in Limine <i>to admit Professor Kenji Yoshino's Opinion and to make defendant pay for 8.75 hours of preparation time for a deposition</i> filed by Donald Zarda. (Antollino, Gregory) (Entered: 07/20/2012) |
| 07/20/2012 | <u>80</u> | Letter <i>regarding motion</i> by Donald Zarda (Antollino, Gregory) (Entered: 07/20/2012) |
| 07/20/2012 | <u>81</u> | Letter <i>requesting permission to move it defendants do not produce previously ordeed discovery within a reasonable time</i> by Donald Zarda (Antollino, Gregory) (Entered: 07/20/2012) |
| 07/27/2012 | <u>82</u> | Letter <i>responding to Plaintiff's request to move if Defendants do not produce discovery within a reasonable time</i> by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 07/27/2012) |
| 08/06/2012 | <u>83</u> | Letter <i>regarding Defendants' Opposition to Plaintiff's Request for the Admission of Expert Testimony and Payment of Fees</i> by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 08/06/2012) |
| 08/06/2012 | <u>84</u> | MEMORANDUM in Opposition <i>to Plaintiff's Request for Admission of Expert Testimony and Payment of Preparation Fees</i> filed by All Defendants. (Zabell, Saul) (Entered: 08/06/2012) |
| 08/06/2012 | <u>85</u> | DECLARATION re <u>84</u> Memorandum in Opposition <i>to Plaintiff's Request for Admission of Expert Testimony and Payment of Preparation Fees</i> by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 08/06/2012) |
| 08/07/2012 | <u>86</u> | MOTION for Extension of Time to File Response/Reply as to <u>79</u> Memorandum in Support, <u>77</u> Declaration, <u>76</u> MOTION in Limine <i>to admit Professor Kenji Yoshino's Opinion and to make defendant pay for 8.75 hours of preparation time for a deposition</i> , <u>81</u> Letter, <u>82</u> Letter, <u>83</u> Letter, <u>84</u> Memorandum in Opposition, <u>80</u> Letter, <u>78</u> Declaration, <u>85</u> Declaration by Donald Zarda. (Antollino, Gregory) (Entered: 08/07/2012) |
| 08/08/2012 | | ORDER granting <u>86</u> Motion for Extension of Time to File Response/Reply. By letter dated August 7, 2012, plaintiff's counsel requests that he be allowed to file his motion in limine reply brief by August 31, 2012. IT IS HEREBY ORDERED that plaintiff's request is granted. Plaintiff may file his reply brief on or before August 31, 2012. SO ORDERED. Ordered by Judge Joseph F. Bianco on 8/8/2012. (Maxwell, Rita) (Entered: 08/08/2012) |
| 08/31/2012 | <u>87</u> | REPLY in Support re <u>76</u> MOTION in Limine <i>to admit Professor Kenji Yoshino's Opinion and to make defendant pay for 8.75 hours of preparation time for a deposition (Reply Declaration & Exhibits)</i> filed by Donald Zarda. (Attachments: # |

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| | | <u>1</u> Exhibit Exhibits A–D, # <u>2</u> Exhibit Exhibit E, # <u>3</u> Exhibit Exhibit F) (Antollino, Gregory) (Entered: 08/31/2012) |
| 08/31/2012 | <u>88</u> | REPLY in Support re <u>76</u> MOTION in Limine <i>to admit Professor Kenji Yoshino's Opinion and to make defendant pay for 8.75 hours of preparation time for a deposition REEPLY MEMO</i> filed by Donald Zarda. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Antollino, Gregory) (Entered: 08/31/2012) |
| 09/07/2012 | <u>89</u> | Letter <i>regarding defendant's continued failure to produce discovery ordered in June</i> by Donald Zarda (Antollino, Gregory) (Entered: 09/07/2012) |
| 09/10/2012 | <u>90</u> | Letter <i>application to file surreply</i> by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 09/10/2012) |
| 09/10/2012 | <u>91</u> | Letter <i>in opposition to sur–reply</i> by Donald Zarda (Antollino, Gregory) (Entered: 09/10/2012) |
| 09/10/2012 | <u>92</u> | Letter <i>in response to Plaintiff's ecf filing Document 89</i> by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 09/10/2012) |
| 09/11/2012 | | SCHEDULING ORDER: IT IS HEREBY ORDERED that the parties shall participate in oral argument on Thursday, October 4, 2012, at 4:30 p.m., regarding plaintiff's in limine motion filed July 20, 2012 and the recent correspondence of the parties. No oral argument will be held on September 12, 2012. SO ORDERED. Ordered by Judge Joseph F. Bianco on 9/11/2012. (Maxwell, Rita) (Entered: 09/11/2012) |
| 10/03/2012 | <u>93</u> | Letter <i>re status of discovery ordered in June</i> by Donald Zarda (Antollino, Gregory) (Entered: 10/03/2012) |
| 10/04/2012 | <u>94</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Status Conference/oral argument held on 10/4/2012 – argument heard – decision reserved (Tape #ftr 4:51 – 5:48.) (Bollbach, Jean) (Entered: 10/05/2012) |
| 10/06/2012 | <u>95</u> | Letter <i>regarding documents produced and follow up on Sassaman v. Ganache</i> by Donald Zarda (Antollino, Gregory) (Entered: 10/06/2012) |
| 10/17/2012 | <u>96</u> | STIPULATION AND PROPOSED ORDER FOR COURT'S SIGNATURE by Donald Zarda (Antollino, Gregory) (Entered: 10/17/2012) |
| 10/19/2012 | <u>97</u> | ORDER OF CONFIDENTIALITY: for the protection and exchange of confidential information and documents. See order for full details.. Ordered by Judge Joseph F. Bianco on 10/19/2012. (Bollbach, Jean) (Entered: 10/25/2012) |
| 11/06/2012 | <u>98</u> | Second MOTION to Compel <i>additional time to depose Ray Maynard based on new additional factors</i> by Donald Zarda. (Attachments: # <u>1</u> Affidavit of Ray Maynard, # <u>2</u> decision referenced in letter) (Antollino, Gregory) (Entered: 11/06/2012) |
| 11/07/2012 | <u>99</u> | RESPONSE in Opposition re <u>98</u> Second MOTION to Compel <i>additional time to depose Ray Maynard based on new additional factors</i> filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 11/07/2012) |
| 11/07/2012 | <u>100</u> | REPLY in Support re <u>98</u> Second MOTION to Compel <i>additional time to depose Ray Maynard based on new additional factors</i> filed by Donald Zarda. (Antollino, Gregory) (Entered: 11/07/2012) |
| 11/08/2012 | | SCHEDULING ORDER: IT IS HEREBY ORDERED that the parties shall participate in a telephone conference on Tuesday, November 13, 2012 at 9:00 a.m. At that time, counsel for plaintiff shall initiate the call and, once all parties are on the line, contact Chambers at (631) 712 5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 11/8/2012.(Samplin, Ilissa) (Entered: 11/08/2012) |
| 11/08/2012 | <u>101</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 10/4/2012, before Judge Joseph F. Bianco. Transcriber Terry Gribben's Transcription Service, Telephone number 732–263–0044. Transcript may be viewed at the court public terminal or purchased through the Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/29/2012. Redacted Transcript Deadline set for 12/10/2012. Release of Transcript Restriction set for 2/6/2013. |

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| | | (Russo, Eric) (Entered: 11/08/2012) |
| 11/09/2012 | <u>102</u> | Letter MOTION to Adjourn Conference <i>to an alternate time</i> by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 11/09/2012) |
| 11/09/2012 | | ORDER granting <u>102</u> Motion to Adjourn Conference. By letter dated November 9, 2012, defendants' counsel requests, on consent, an adjournment of the telephone conference scheduled for Tuesday, November 13, 2012 at 9:00 a.m. to a time later in the day. Unfortunately, a time later in the day is not available. IT IS HEREBY ORDERED that the parties shall participate in a telephone conference on Wednesday, November 14, 2012 at 9:00 a.m. At that time, counsel for plaintiff shall initiate the call and, once all parties are on the line, contact Chambers at (631) 712 5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 11/9/2012. (Samplin, Ilissa) (Entered: 11/09/2012) |
| 11/14/2012 | <u>103</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Telephone pre motion Conference held on 11/14/2012 (Tape #ftr 9:20 – 9:30.) (Bollbach, Jean) (Entered: 11/14/2012) |
| 11/30/2012 | <u>104</u> | Letter MOTION for pre motion conference <i>regarding Summary Judgment</i> by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 11/30/2012) |
| 11/30/2012 | | ORDER granting <u>104</u> Motion for Pre Motion Conference. The Court has received defendants' letter requesting a pre-motion conference in anticipation of moving for summary judgment. IT IS HEREBY ORDERED that the parties shall participate in a telephone pre-motion conference on Monday, December 17, 2012 at 4:30 p.m. At that time, counsel for defendants shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712 5670. Prior to the date of the conference, plaintiff may submit a letter pursuant to Individual Rule III.A explaining why the proposed motion is likely to be unsuccessful. SO ORDERED. Ordered by Judge Joseph F. Bianco on 11/30/2012. (Samplin, Ilissa) (Entered: 11/30/2012) |
| 11/30/2012 | <u>105</u> | MOTION to Adjourn Conference <i>Actually to advance the conference would be a more accurate word to characterize my request.</i> by Donald Zarda. (Antollino, Gregory) (Entered: 11/30/2012) |
| 12/03/2012 | | ORDER granting <u>105</u> Motion to Adjourn Conference. The Court has received plaintiff's letter dated November 30, 2012, requesting that the pre-motion conference be moved. IT IS HEREBY ORDERED that the pre-motion conference is now scheduled for Thursday, December 13, 2012 at 3:00 p.m. At that time, counsel for defendants shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712 5670. Prior to the date of the conference, plaintiff may submit a letter pursuant to Individual Rule III.A explaining why the proposed motion is likely to be unsuccessful. SO ORDERED. Ordered by Judge Joseph F. Bianco on 12/3/2012. (Samplin, Ilissa) (Entered: 12/03/2012) |
| 12/04/2012 | <u>106</u> | Letter <i>in response to defendant's pre-motion letter</i> by Donald Zarda (Attachments: # <u>1</u> Exhibit) (Antollino, Gregory) (Entered: 12/04/2012) |
| 12/13/2012 | <u>107</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Telephone status Conference held on 12/13/2012 – motion to be filed by 1/28/13; response and cross motion by 3/13/13; reply and opposition by 3/27/13; reply by 4/10/13; oral argument 5/29/13 at 4:30 pm (Tape #ftr 3:10 – 3:15.) (Bollbach, Jean) (Entered: 12/13/2012) |
| 12/28/2012 | <u>108</u> | First MOTION for Extension of Time to File <i>Summary Judgment</i> by Altitude Express, Inc.. (Zabell, Saul) (Entered: 12/28/2012) |
| 12/28/2012 | | ORDER granting <u>108</u> Motion for Extension of Time to File: By letter dated December 28, 2012, defendants request on consent an extension of time to file their motion for summary judgment. IT IS HEREBY ORDERED that defendants' request is granted. Motion to be filed by February 11, 2013; Response and cross motion to be filed by March 27, 2013; Reply and opposition to be filed by April 10, 2013; Reply to be filed by May 1, 2013. Oral argument remains on Wednesday, May 29, 2013 at 4:30 p.m. SO ORDERED. Ordered by Judge Joseph F. Bianco on 12/28/2012. (Pilmar, Philip) (Entered: 12/28/2012) |

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| 02/11/2013 | <u>109</u> | MEMORANDUM in Support of <i>Defendants' Motion for Summary Judgment</i> filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 02/11/2013) |
| 02/11/2013 | <u>110</u> | RULE 56.1 STATEMENT in Support of <i>Defendants' Motion for Summary Judgment</i> filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 02/11/2013) |
| 02/11/2013 | <u>111</u> | AFFIDAVIT/DECLARATION in Support re <u>104</u> Letter MOTION for pre motion conference regarding <i>Summary Judgment</i> , <i>Defendants' Motion for Summary Judgment</i> filed by Altitude Express, Inc., Ray Maynard. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16) (Zabell, Saul) (Entered: 02/11/2013) |
| 02/19/2013 | | SCHEDULING ORDER: IT IS HEREBY ORDERED that the parties shall participate in a telephone conference on Wednesday, February 20, 2013 at 1:30 p.m at which time the Court will rule on plaintiff's expert motion. At that time, counsel for plaintiff shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712 5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 2/19/2013. (Samplin, Ilissa) (Entered: 02/19/2013) |
| 02/19/2013 | <u>112</u> | First MOTION to Adjourn Conference for 2/20/13 by Donald Zarda. (Antollino, Gregory) (Entered: 02/19/2013) |
| 02/19/2013 | | ORDER granting <u>112</u> Motion to Adjourn Conference. The Court has received counsel for plaintiff's letter requesting an adjournment of the oral ruling scheduled for Wednesday, February 20, 2013. IT IS HEREBY ORDERED that counsel's request is granted. The telephone conference is rescheduled for Friday, February 22, 2013 at 1:00 p.m. SO ORDERED. Ordered by Judge Joseph F. Bianco on 2/19/2013. (Samplin, Ilissa) (Entered: 02/19/2013) |
| 02/22/2013 | <u>113</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco: Status Conference/bench ruling held on 2/22/2013 – decision made on the record (Tape #ftr 1:18 – 1:40.) (Bollbach, Jean) (Entered: 02/22/2013) |
| 02/22/2013 | <u>114</u> | ORDER terminating <u>76</u> Motion in Limine – plaintiff's motion to admit the expert testimony of Processor Kenji Yoshino is denied and plaintiff's motion for payment of fees is granted, but modified amount of \$1,837.50. Ordered by Judge Joseph F. Bianco on 2/22/2013. (Bollbach, Jean) (Entered: 02/25/2013) |
| 02/25/2013 | | (Court only) ***Documents terminated: <u>98</u> Second MOTION to Compel additional time to depose Ray Maynard based on new additional factors filed by Donald Zarda. See docket entry <u>103</u> . (Samplin, Ilissa) (Entered: 02/25/2013) |
| 02/25/2013 | | (Court only) ***Documents terminated: <u>61</u> Second MOTION to Compel, Second MOTION for Sanctions, and Second MOTION for Extension of Time to Complete Discovery filed by Donald Zarda. See docket entries <u>71</u> and <u>101</u> . (Samplin, Ilissa) (Entered: 02/25/2013) |
| 03/08/2013 | <u>115</u> | First MOTION for Extension of Time to File <i>response and cross motion</i> by Donald Zarda. (Antollino, Gregory) (Entered: 03/08/2013) |
| 03/13/2013 | <u>116</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 2/22/2013, before Judge Joseph F. Bianco. Transcriber Aria Services, Inc., Telephone number 845-260-1377. Transcript may be viewed at the court public terminal or purchased through the Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/3/2013. Redacted Transcript Deadline set for 4/15/2013. Release of Transcript Restriction set for 6/11/2013. (Russo, Eric) (Entered: 03/13/2013) |
| 03/14/2013 | | ORDER granting <u>115</u> Motion for Extension of Time to File. The Court has received counsel for plaintiff's letter dated March 8, 2013 requesting, on consent, a one-week extension of time to file a response and cross motion for summary judgment. IT IS HEREBY ORDERED that plaintiff's request is granted. Response and cross motion to be filed by April 3, 2013; Reply and opposition to be filed by April 17, 2013; Reply to be filed by May 8, 2013. Oral argument remains on |

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| | | Wednesday, May 29, 2013 at 4:30 p.m. SO ORDERED. Ordered by Judge Joseph F. Bianco on 3/14/2013. (Samplin, Ilissa) (Entered: 03/14/2013) |
| 03/26/2013 | <u>117</u> | Second MOTION for Extension of Time to File <i>SJ/Response to SJ</i> by Donald Zarda. (Antollino, Gregory) (Entered: 03/26/2013) |
| 03/26/2013 | | ORDER granting <u>117</u> Motion for Extension of Time to File. The Court has received counsel for plaintiff's letter dated March 26, 2013 requesting a one week extension of time to file his response and cross motion for summary judgment. IT IS HEREBY ORDERED that counsel for plaintiff's request is granted. IT IS FURTHER ORDERED that the parties shall abide by the following modified briefing schedule: response and cross motion to be filed by April 10, 2013; reply and opposition to be filed by April 24, 2010; reply to be filed by May 15, 2013. Oral argument remains on Wednesday, May 29, 2013 at 4:30 p.m. SO ORDERED. Ordered by Judge Joseph F. Bianco on 3/26/2013. (Samplin, Ilissa) (Entered: 03/26/2013) |
| 03/26/2013 | | (Court only) ***Document 118 sealed and placed in vault (Bollbach, Jean) (Entered: 03/27/2013) |
| 04/03/2013 | <u>119</u> | MOTION for Leave to Electronically File Document under Seal <i>documents faxed on 4/3/2013</i> , MOTION to Seal Document by Donald Zarda. (Antollino, Gregory) (Entered: 04/03/2013) |
| 04/04/2013 | <u>120</u> | RESPONSE in Opposition re <u>119</u> MOTION for Leave to Electronically File Document under Seal <i>documents faxed on 4/3/2013</i> MOTION to Seal Document filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 04/04/2013) |
| 04/04/2013 | <u>121</u> | REPLY in Support re <u>119</u> MOTION for Leave to Electronically File Document under Seal <i>documents faxed on 4/3/2013</i> MOTION to Seal Document filed by Donald Zarda. (Antollino, Gregory) (Entered: 04/04/2013) |
| 04/05/2013 | | ORDER denying <u>119</u> Motion for Leave to Electronically File Document under Seal. The Court has received counsel for plaintiff's motion to file documents under seal. Having reviewed the documents, the Court sees no basis for them to be filed under seal, other than the social security number referenced in the documents. IT IS HEREBY ORDERED that plaintiff's counsel shall electronically file a redacted version of the documents (with only the social security numbers redacted). SO ORDERED. Ordered by Judge Joseph F. Bianco on 4/5/2013. (Samplin, Ilissa) (Entered: 04/05/2013) |
| 04/07/2013 | <u>122</u> | RULE 56.1 STATEMENT <i>in opposition to defendants</i> filed by Donald Zarda. (Antollino, Gregory) (Entered: 04/08/2013) |
| 04/08/2013 | <u>123</u> | Third MOTION for Extension of Time to File <i>motion/cross motion for one day because of ecf failure and electrical outage</i> by Donald Zarda. (Attachments: # <u>1</u> Exhibit) (Antollino, Gregory) (Entered: 04/08/2013) |
| 04/08/2013 | | ORDER granting <u>123</u> Motion for Extension of Time to File. The Court has received counsel for plaintiff's letter dated April 8, 2013 requesting a one day extension to file opposition papers. IT IS HEREBY ORDERED that counsel for plaintiff's request is granted. Plaintiff shall file his opposition papers by April 9, 2013. SO ORDERED. Ordered by Judge Joseph F. Bianco on 4/8/2013. (Samplin, Ilissa) (Entered: 04/08/2013) |
| 04/08/2013 | <u>124</u> | Letter <i>regarding continuing problems with ecf and my solution</i> by Donald Zarda (Antollino, Gregory) (Entered: 04/08/2013) |
| 04/08/2013 | <u>125</u> | AFFIDAVIT/DECLARATION in Opposition re <u>104</u> Letter MOTION for pre motion conference <i>regarding Summary Judgment IN ACTUAL OPPOSITION TO SUMMARY JUDGMENT AS A RESULT OF ECF PROBLEMS</i> filed by Donald Zarda. (Attachments: # <u>1</u> Exhibit AA Part 1, # <u>2</u> Exhibit AA Part 2, # <u>3</u> Exhibit AA Part 3, # <u>4</u> Exhibit AA Part 4, # <u>5</u> Exhibit AA Part 5, # <u>6</u> Exhibit BB, # <u>7</u> Exhibit CC, # <u>8</u> Exhibit DD, # <u>9</u> Exhibit EE, # <u>10</u> Exhibit FF) (Antollino, Gregory) (Entered: 04/08/2013) |
| 04/08/2013 | <u>126</u> | AFFIDAVIT/DECLARATION in Opposition re <u>104</u> Letter MOTION for pre motion conference <i>regarding Summary Judgment IN ACTUAL OPPOSITION TO</i> |

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| | | <i>SUMMARY JUDGMENT AS A RESULT OF ECF PROBLEMS</i> filed by Donald Zarda. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F(Antollino, Gregory) (Entered: 04/08/2013) |
| 04/08/2013 | <u>127</u> | RESPONSE in Opposition re <u>104</u> Letter MOTION for pre motion conference regarding <i>Summary Judgment ZARDA DECLARATION CONCERNING WAGES</i> filed by Donald Zarda. (Attachments: # <u>1</u> Exhibit A,B,C,D) (Antollino, Gregory) (Entered: 04/08/2013) |
| 04/08/2013 | <u>128</u> | AFFIDAVIT/DECLARATION in Opposition re <u>104</u> Letter MOTION for pre motion conference regarding <i>Summary Judgment BY GREGORY ANTOLLINO IN ACTUAL OPPOSITION TO SUMMARY JUDGMENT AS A RESULT OF ECF PROBLEMS</i> filed by Donald Zarda. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S,T,U,V, # <u>20</u> Exhibit W, # <u>21</u> X,Y,Z) (Antollino, Gregory) (Entered: 04/08/2013) |
| 04/09/2013 | <u>129</u> | RULE 56.1 STATEMENT <i>In support of plaintiff's motion and in further opposition under Rule 56.1(b) to defendant's motion</i> filed by Donald Zarda. (Antollino, Gregory) (Entered: 04/09/2013) |
| 04/09/2013 | <u>130</u> | Letter regarding 2 errata in plaintiff's counter 56.1 statement in opposition to defendant's motion by Donald Zarda (Antollino, Gregory) (Entered: 04/09/2013) |
| 04/09/2013 | <u>131</u> | MEMORANDUM in Support and in opposition to defenendants' filed by Donald Zarda. (Antollino, Gregory) (Entered: 04/10/2013) |
| 04/10/2013 | <u>132</u> | MOTION for Partial Summary Judgment by Donald Zarda. Responses due by 4/24/2013 (Antollino, Gregory) (Entered: 04/10/2013) |
| 04/10/2013 | <u>133</u> | Letter summarizing materials submitted for and against summary judgment by Donald Zarda (Antollino, Gregory) (Entered: 04/10/2013) |
| 04/12/2013 | <u>134</u> | Letter concerning 3 errata in memo of law by Donald Zarda (Antollino, Gregory) (Entered: 04/12/2013) |
| 04/15/2013 | <u>135</u> | Letter MOTION for Extension of Time to File <i>Defendants' Reply and Opposition</i> by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 04/15/2013) |
| 04/15/2013 | | ORDER granting <u>135</u> Motion for Extension of Time to File. The Court has received counsel for defendants' letter dated April 15, 2013 requesting, on consent, an extension of the briefing schedule for the motions for summary judgment. IT IS HEREBY ORDERED that defendants' shall respond no later than May 3, 2013 and plaintiff shall reply no later than May 24, 2013. SO ORDERED. Ordered by Judge Joseph F. Bianco on 4/15/2013. (Samplin, Ilissa) (Entered: 04/15/2013) |
| 05/03/2013 | <u>136</u> | RULE 56.1 STATEMENT re <u>132</u> MOTION for Partial Summary Judgment in <i>Opposition</i> filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 05/03/2013) |
| 05/03/2013 | <u>137</u> | MEMORANDUM in Opposition re <u>132</u> MOTION for Partial Summary Judgment , REPLY in Support of <i>Defendants' Motion for Summary Judgment</i> filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 05/03/2013) |
| 05/19/2013 | <u>138</u> | REPLY to Response to Motion re <u>104</u> Letter MOTION for pre motion conference regarding <i>Summary Judgment</i> , <u>132</u> MOTION for Partial Summary Judgment , REPLY in Support re <u>132</u> MOTION for Partial Summary Judgment filed by Donald Zarda. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Antollino, Gregory) (Entered: 05/19/2013) |
| 05/20/2013 | <u>139</u> | Letter MOTION to Strike a portion of <i>Plaintiff's Reply Memorandum</i> by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 05/20/2013) |
| 05/20/2013 | <u>140</u> | RESPONSE in Opposition re <u>139</u> Letter MOTION to Strike a portion of <i>Plaintiff's Reply Memorandum or for other relief</i> filed by Donald Zarda. (Antollino, Gregory) (Entered: 05/20/2013) |

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| 05/28/2013 | | SCHEDULING ORDER: IT IS HEREBY ORDERED that, due to a conflict in Chambers, oral argument is rescheduled for Tuesday, June 4, 2013 at 3:00 p.m. SO ORDERED. Ordered by Judge Joseph F. Bianco on 5/28/2013. (Samplin, Ilissa) (Entered: 05/28/2013) |
| 05/28/2013 | <u>141</u> | First MOTION to Adjourn Conference of June 4 to June 6 by Donald Zarda. (Antollino, Gregory) (Entered: 05/28/2013) |
| 05/28/2013 | | ORDER granting <u>141</u> Motion to Adjourn Conference. The Court has received counsel for plaintiff's letter dated May 28, 2013, requesting that oral argument be rescheduled for June 6, 2013. IT IS HEREBY ORDERED that oral argument will now take place on Thursday, June 6, 2013 at 11:30 a.m. SO ORDERED. Ordered by Judge Joseph F. Bianco on 5/28/2013. (Samplin, Ilissa) (Entered: 05/28/2013) |
| 06/06/2013 | <u>142</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Oral Argument held on 6/6/2013; decision reserved(Tape #ftr 11:51 – 12:50.) (Bollbach, Jean) (Entered: 06/07/2013) |
| 06/15/2013 | <u>143</u> | Letter re good faith basis for \$75000 in controversy in the contingency the court dismisses the Title VII claim by Donald Zarda (Antollino, Gregory) (Entered: 06/15/2013) |
| 07/28/2013 | <u>144</u> | NOTICE of Change of address by Gregory S. Antollino (Antollino, Gregory) (Entered: 07/28/2013) |
| 10/16/2013 | | (Court only) ***Documents terminated: <u>119</u> MOTION for Leave to Electronically File Document under Seal documents faxed on 4/3/2013 MOTION to Seal Document filed by Donald Zarda. See subsequent electronic order denying motion. (Samplin, Ilissa) (Entered: 10/16/2013) |
| 03/07/2014 | | SCHEDULING ORDER: IT IS HEREBY ORDERED that the parties shall participate in a telephone conference with the Court on Friday, March 28, 2014, at 3:00 p.m. At that time, counsel for plaintiff shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712-5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 3/7/2014. (Chipev, George) (Entered: 03/07/2014) |
| 03/28/2014 | <u>145</u> | ORDER denying <u>132</u> Motion for Partial Summary Judgment; denying <u>139</u> Motion to Strike; granting in part and denying in part <u>109</u> Memorandum in Support [Defendants' Motion for Summary Judgment]. For the reasons set forth on the record on March 28, 2014, IT IS HEREBY ORDERED that defendants' motion for summary judgment (see D.E. 109) is granted in part and denied in part, that plaintiff's motion for partial summary judgment is denied in its entirety, and that defendants' motion to strike is denied. See Order for additional details. SO ORDERED. Ordered by Judge Joseph F. Bianco on 3/28/2014. (Chipev, George) (Entered: 03/28/2014) |
| 03/28/2014 | <u>146</u> | AMENDED COMPLAINT (<i>second</i>) against All Defendants, filed by Donald Zarda. (Antollino, Gregory) (Entered: 03/28/2014) |
| 03/28/2014 | <u>147</u> | Letter to Judge Bianco regarding filed Second Amended Complaint and discovery in first amended complaint by Donald Zarda (Antollino, Gregory) (Entered: 03/28/2014) |
| 03/28/2014 | <u>149</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Telephone Conference held on 3/28/2014; decision made on the record. See court order (Tape #ftr 3:07 – 3:33.) (Bollbach, Jean) (Entered: 03/31/2014) |
| 03/30/2014 | <u>148</u> | NOTICE of Appearance by Richard J. Cardinale on behalf of Donald Zarda (aty to be noticed) (Cardinale, Richard) (Entered: 03/30/2014) |
| 03/31/2014 | | (Court only) ***Staff notes attorney Richard J Cardinale has been checked for disciplinary proceedings. No current disciplinary sanction orders as of 3/31/14 (Bollbach, Jean) (Entered: 03/31/2014) |
| 04/01/2014 | <u>150</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 3/28/2014, before Judge Joseph F. Bianco. Transcriber Tracy Gribben's Transcription Service, Telephone number 732- 263-0044. Email address: TGribben@transcription.com. Transcript may be viewed at the court public |

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| | | terminal or purchased through the Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/22/2014. Redacted Transcript Deadline set for 5/2/2014. Release of Transcript Restriction set for 6/30/2014. (Cox, Dwayne) (Entered: 04/01/2014) |
| 04/03/2014 | <u>151</u> | Letter MOTION for pre motion conference (<i>anticipated motion to strike and dismiss</i>) by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 04/03/2014) |
| 04/03/2014 | <u>152</u> | RESPONSE in Opposition re <u>151</u> Letter MOTION for pre motion conference (<i>anticipated motion to strike and dismiss</i>) filed by Donald Zarda. (Antollino, Gregory) (Entered: 04/03/2014) |
| 04/04/2014 | | SCHEDULING ORDER: IT IS HEREBY ORDERED that the parties shall participate in a telephone conference with the Court on Wednesday, April 9, 2014, at 4:00 p.m. to address defendants' request to move to strike and dismiss. At that time, counsel for defendants shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712-5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 4/4/2014. (Chipev, George) (Entered: 04/04/2014) |
| 04/09/2014 | | ORDER. For the reasons set forth on the record during the telephone conference on April 9, 2014, the Court strikes plaintiff's second amended complaint. The request for a pre-motion conference is terminated as moot. SO ORDERED. Ordered by Judge Joseph F. Bianco on 4/9/2014. (Chipev, George) (Entered: 04/09/2014) |
| 04/09/2014 | | ORDER terminating <u>151</u> Motion for Pre Motion Conference. Ordered by Judge Joseph F. Bianco on 4/9/2014. (Chipev, George) (Entered: 04/09/2014) |
| 04/09/2014 | | (Court only) ***Documents terminated: <u>146</u> Amended Complaint filed by Donald Zarda. (Chipev, George) (Entered: 04/09/2014) |
| 04/09/2014 | <u>153</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco: Status telephone Conference held on 4/9/2014 (Tape #ftr 4:40 - 4:44.) (Bollbach, Jean) (Entered: 04/10/2014) |
| 04/15/2014 | <u>154</u> | Notice of MOTION to Dismiss for Lack of Jurisdiction (<i>Diversity</i>) by Altitude Express, Inc., Ray Maynard. Responses due by 4/25/2014 (Attachments: # <u>1</u> Declaration Declaration of Saul D. Zabell, # <u>2</u> Exhibit Exhibit 1, # <u>3</u> Memorandum in Support Memorandum of Law in Support) (Zabell, Saul) (Entered: 04/15/2014) |
| 04/15/2014 | <u>155</u> | RESPONSE in Opposition re <u>154</u> Notice of MOTION to Dismiss for Lack of Jurisdiction (<i>Diversity</i>) filed by Donald Zarda. (Attachments: # <u>1</u> 2013 Letter) (Antollino, Gregory) (Entered: 04/15/2014) |
| 04/29/2014 | <u>156</u> | REPLY in Support re <u>154</u> Notice of MOTION to Dismiss for Lack of Jurisdiction (<i>Diversity</i>) filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 04/29/2014) |
| 04/30/2014 | | SCHEDULING ORDER: IT IS HEREBY ORDERED that the parties shall participate in a telephone conference with the Court on Thursday, May 8, 2014, at 4:00 p.m. At that time, counsel for defendants shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712-5670. During the conference, the Court intends to issue an oral ruling on the pending motion to dismiss. SO ORDERED. Ordered by Judge Joseph F. Bianco on 4/30/2014. (Chipev, George) (Entered: 04/30/2014) |
| 05/08/2014 | <u>157</u> | MINUTE ENTRY/Order for proceedings held before Judge Joseph F. Bianco: Civil Cause for Telephone Conference held on 5/8/14 at 4:21 p.m. FTR: 4:21-4:29. Case called. Counsel for all sides present. Conference held. Motion to dismiss based on amount in controversy denied. Pretrial order due 6/9/14.(Tape #4:21-4:29.) Terminating <u>154</u> Motion to Dismiss for Lack of Jurisdiction as denied. (Tape #4:21-4:29.) (Coleman, Laurie) (Entered: 05/09/2014) |
| 05/08/2014 | <u>158</u> | ORDER re <u>154</u> Notice of MOTION to Dismiss for Lack of Jurisdiction (<i>Diversity</i>) filed by Ray Maynard, Altitude Express, Inc. For the reasons set forth on the record during the telephone conference on May 8, 2014, defendants' motion to dismiss is denied.. Ordered by Judge Joseph F. Bianco on 5/8/2014. (Bollbach, Jean) |

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| | | (Entered: 05/13/2014) |
| 06/05/2014 | <u>159</u> | MOTION for More Definite Statement <i>as to witness knowledge AND their contact information or to eliminate 50 of the 60 names on defendants' witness list</i> by Donald Zarda. (Antollino, Gregory) (Entered: 06/05/2014) |
| 06/05/2014 | <u>160</u> | RESPONSE in Opposition re <u>159</u> MOTION for More Definite Statement <i>as to witness knowledge AND their contact information or to eliminate 50 of the 60 names on defendants' witness list</i> filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 06/05/2014) |
| 06/06/2014 | | SCHEDULING ORDER: By letter dated June 5, 2014, plaintiff requests an extension of time to file the pretrial order because of issues with defendants' witness list. IT IS HEREBY ORDERED that the parties shall participate in a telephone conference with the Court on Tuesday, June 10, 2014, at 4:30 p.m. to address this issue. At that time, counsel for plaintiff shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712-5670. The Court shall set a new date for filing the pretrial order during the conference. SO ORDERED. Ordered by Judge Joseph F. Bianco on 6/6/2014. (Chipev, George) (Entered: 06/06/2014) |
| 06/06/2014 | <u>161</u> | REPLY in Support re <u>159</u> MOTION for More Definite Statement <i>as to witness knowledge AND their contact information or to eliminate 50 of the 60 names on defendants' witness list</i> filed by Donald Zarda. (Antollino, Gregory) (Entered: 06/06/2014) |
| 06/09/2014 | <u>162</u> | MOTION for Extension of Time to File <i>JPTO until the court rules on the previous motion</i> by Donald Zarda. (Antollino, Gregory) (Entered: 06/09/2014) |
| 06/09/2014 | | ORDER finding as moot <u>162</u> Motion for Extension of Time to File. As noted in the Court's scheduling order dated June 6, 2014, the Court shall set a new date to file the pretrial order pending the telephone conference scheduled for June 10, 2014. Accordingly, plaintiff's motion for an extension of time is denied as moot. SO ORDERED. Ordered by Judge Joseph F. Bianco on 6/9/2014. (Chipev, George) (Entered: 06/09/2014) |
| 06/09/2014 | <u>163</u> | Letter <i>explaining confusion as to previous motion</i> by Donald Zarda (Antollino, Gregory) (Entered: 06/09/2014) |
| 06/10/2014 | | ORDER terminating <u>159</u> Motion for More Definite Statement. As set forth on the record during the telephone conference on June 10, 2014, IT IS HEREBY ORDERED that the pretrial order, which should include information about the proposed defense witnesses, shall be due by June 17, 2014. IT IS FURTHER ORDERED that plaintiff submit a letter to the Court by August 5, 2014, detailing any disputed objections to the designations. SO ORDERED. Ordered by Judge Joseph F. Bianco on 6/10/2014. (Chipev, George) (Entered: 06/10/2014) |
| 06/10/2014 | <u>164</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco: Telephone Conference held on 6/10/2014; pretrial order due by 6/7/14; letter to Mr. Antollino by 7/7/14; letter to be submitted to the court by 8/5/14 (Tape #ftr 4:41 - 5:01.) (Bollbach, Jean) (Entered: 06/11/2014) |
| 06/17/2014 | <u>165</u> | Letter <i>regarding Joint Pre-Trial Order</i> by Altitude Express, Inc., Ray Maynard (Attachments: # <u>1</u> Proposed Order Partially Executed Pre-Trial Order) (Zabell, Saul) (Entered: 06/17/2014) |
| 06/18/2014 | <u>166</u> | Letter <i>objecting to unilateral filing of JPTO simply because defendants didn't like what I put truthfully in my portion of the document</i> by Donald Zarda (Antollino, Gregory) (Entered: 06/18/2014) |
| 06/19/2014 | <u>167</u> | Letter <i>regarding plaintiff's 6-17-14 letter</i> by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 06/19/2014) |
| 06/19/2014 | | ORDER. IT IS HEREBY ORDERED that counsel for plaintiff may submit a pretrial order signed by him including the disputed statement. No conference is necessary at this time. Ordered by Judge Joseph F. Bianco on 6/19/2014. (Chipev, George) (Entered: 06/19/2014) |

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| 06/19/2014 | <u>168</u> | Letter <i>documenting Mr. Zabell's second homophobic remark toward me in the recent letter to the court, his history of boorish behavior towards me, and insisting that I be treated civilly in this litigation in the future.</i> by Donald Zarda (Antollino, Gregory) (Entered: 06/19/2014) |
| 06/20/2014 | <u>169</u> | Proposed Pretrial Order by Donald Zarda (Antollino, Gregory) (Entered: 06/20/2014) |
| 07/15/2014 | <u>170</u> | Fully Briefed MOTION in Limine <i>to overrule defendants' objections to deposition designations</i> by Donald Zarda. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit 1 Zabell Letter, # <u>3</u> Exhibit 2 Antollino Response, # <u>4</u> Exhibit 3 Google Map, # <u>5</u> Exhibit 4 Maynard Deposition Designations, # <u>6</u> Exhibit 5 Cheat Sheet, # <u>7</u> Exhibit 6 Callanan Designations, # <u>8</u> Exhibit 7 Callanan Letter) (Antollino, Gregory) (Entered: 07/15/2014) |
| 07/16/2014 | <u>171</u> | RESPONSE in Opposition re <u>170</u> Fully Briefed MOTION in Limine <i>to overrule defendants' objections to deposition designations</i> filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 07/16/2014) |
| 07/16/2014 | <u>172</u> | REPLY in Opposition re <u>171</u> Response in Opposition to Motion <i>objecting to another round of the same motion</i> filed by Donald Zarda. (Antollino, Gregory) (Entered: 07/16/2014) |
| 10/06/2014 | <u>173</u> | SUGGESTION OF DEATH Upon the Record as to Donald Zarda (Plaintiff) by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 10/06/2014) |
| 10/07/2014 | <u>174</u> | Letter <i>regarding the death of Don Zarda</i> by Donald Zarda (Antollino, Gregory) (Entered: 10/07/2014) |
| 11/19/2014 | <u>175</u> | MOTION to Substitute Party (<i>estate for deceased plaintiff</i>), MOTION to Amend/Correct/Supplement <u>28</u> Amended Complaint (<i>caption only</i>) by Donald Zarda. (Attachments: # <u>1</u> Declaration of Gregory Antollino, # <u>2</u> Exhibit Probate Documents, # <u>3</u> Proposed Order) (Antollino, Gregory) (Entered: 11/19/2014) |
| 11/19/2014 | <u>176</u> | MEMORANDUM in Support re <u>175</u> MOTION to Substitute Party (<i>estate for deceased plaintiff</i>) MOTION to Amend/Correct/Supplement <u>28</u> Amended Complaint (<i>caption only</i>) filed by Donald Zarda. (Antollino, Gregory) (Entered: 11/19/2014) |
| 11/21/2014 | <u>177</u> | Letter by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 11/21/2014) |
| 12/01/2014 | <u>178</u> | RESPONSE to Motion re <u>175</u> MOTION to Substitute Party (<i>estate for deceased plaintiff</i>) MOTION to Amend/Correct/Supplement <u>28</u> Amended Complaint (<i>caption only</i>) filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 12/01/2014) |
| 12/02/2014 | <u>179</u> | REPLY in Support re <u>175</u> MOTION to Substitute Party (<i>estate for deceased plaintiff</i>) MOTION to Amend/Correct/Supplement <u>28</u> Amended Complaint (<i>caption only</i>) <i>in response to points raised in Mr. Zabell's "consent" letter</i> filed by Donald Zarda. (Antollino, Gregory) (Entered: 12/02/2014) |
| 12/03/2014 | <u>180</u> | ORDER granting <u>175</u> Motion to Substitute Party. Donald Zarda terminated; granting <u>175</u> Motion to Amend Caption. Accordingly, IT IS HEREBY ORDERED that the motion for substitution of the plaintiff's estate for the deceased plaintiff is granted. The Court does not believe an in-person conference is necessary at this time. A telephone conference will be scheduled to address potential trial dates and a schedule for in limine motions.. Ordered by Judge Joseph F. Bianco on 12/3/2014. (Bollbach, Jean) (Entered: 12/04/2014) |
| 01/20/2015 | <u>181</u> | MOTION for pre motion conference <i>and/or pre-trial conference</i> by William Allen Moore, Jr, Melissa Zarda. (Antollino, Gregory) (Entered: 01/20/2015) |
| 01/21/2015 | | ORDER granting <u>181</u> Motion for Pre Motion Conference. By letter dated January 20, 2015, counsel for the plaintiff requests a telephone conference to address the status the case and outstanding motions, in light of the death of Mr. Zarda. IT IS HEREBY ORDERED that a telephone conference is scheduled for Monday, February 2, 2015 at 4:30 P.M. At that time, plaintiff's counsel shall initiate the call, and, once all parties are on the line, shall telephone Chambers at 631-712-5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 1/21/2015. (Street, Caitlin) |

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| | | (Entered: 01/21/2015) |
| 02/02/2015 | | SCHEDULING ORDER: Telephone Status Conference set for February 2, 2015 is rescheduled to February 6, 2015 at 4:15 p.m. before Judge Joseph F. Bianco. Ordered by Judge Joseph F. Bianco on 2/2/2015. (Savona, Michele) (Entered: 02/02/2015) |
| 02/05/2015 | <u>182</u> | Consent MOTION to Adjourn Conference by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 02/05/2015) |
| 02/05/2015 | | ORDER granting <u>182</u> Motion to Adjourn Conference. By letter dated February 5, 2015, counsel for defendants requests on consent an adjournment of the telephone conference scheduled for Friday, February 6. IT IS HEREBY ORDERED that the request is granted. The telephone conference is adjourned to Wednesday, February 11 at 2:30 PM. SO ORDERED. Ordered by Judge Joseph F. Bianco on 2/5/2015. (Street, Caitlin) (Entered: 02/05/2015) |
| 02/11/2015 | | SCHEDULING ORDER: Due to a conflict in the Court's calendar, IT IS HEREBY ORDERED that the telephone conference scheduled for today is adjourned to Thursday, February 12 at 2:30 PM. SO ORDERED. Ordered by Judge Joseph F. Bianco on 2/11/2015. (Street, Caitlin) (Entered: 02/11/2015) |
| 02/12/2015 | <u>183</u> | MOTION to Adjourn Conference (<i>telephonic</i>) scheduled for February 12, 2015 at 2:30 pm by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 02/12/2015) |
| 02/12/2015 | | ORDER granting <u>183</u> Motion to Adjourn Conference. IT IS HEREBY ORDERED that defendants counsel's request to adjourn the telephone conference scheduled for today is granted. IT IS FURTHER ORDERED that the conference is rescheduled for Tuesday, February 17, 2015 at 2:30 PM. SO ORDERED. Ordered by Judge Joseph F. Bianco on 2/12/2015. (Street, Caitlin) (Entered: 02/12/2015) |
| 02/17/2015 | | Motions terminated: <u>170</u> Fully Briefed MOTION in Limine to overrule defendants' objections to deposition designations filed by Melissa Zarda. Ordered by Judge Joseph F. Bianco on 2/17/2015. (Street, Caitlin) (Entered: 02/17/2015) |
| 02/17/2015 | <u>184</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco: Telephone Conference held on 2/17/2015 – Letter to be submitted to the court by 3/6/15. Objections to be filed by 3/20/15. Letter reply by 4/3/15. (Court Reporter Owen Wicker.) (Bollbach, Jean) (Entered: 02/18/2015) |
| 02/28/2015 | <u>185</u> | MOTION for Extension of Time to File <i>deposition designations and to note another issue</i> by William Allen Moore, Jr, Melissa Zarda. (Antollino, Gregory) (Entered: 02/28/2015) |
| 03/02/2015 | <u>186</u> | RESPONSE in Opposition re <u>185</u> MOTION for Extension of Time to File <i>deposition designations and to note another issue</i> filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 03/02/2015) |
| 03/02/2015 | <u>187</u> | REPLY in Support re <u>185</u> MOTION for Extension of Time to File <i>deposition designations and to note another issue</i> filed by William Allen Moore, Jr, Melissa Zarda. (Antollino, Gregory) (Entered: 03/02/2015) |
| 03/03/2015 | <u>188</u> | REPLY in Opposition re <u>185</u> MOTION for Extension of Time to File <i>deposition designations and to note another issue</i> filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 03/03/2015) |
| 03/04/2015 | <u>189</u> | Letter <i>re availability for either July 6 or July 23</i> by William Allen Moore, Jr, Melissa Zarda (Antollino, Gregory) (Entered: 03/04/2015) |
| 03/05/2015 | <u>190</u> | MOTION in Limine regarding deceased plaintiff's pretrial testimony by William Allen Moore, Jr, Melissa Zarda. (Attachments: # <u>1</u> Deposition of Donald Zarda with trial designations in highlighted yellow) (Antollino, Gregory) (Entered: 03/05/2015) |
| 03/18/2015 | | Case Reassigned to Magistrate Judge Anne Y. Shields. Magistrate Judge Gary R. Brown no longer assigned to the case. (Mahoney, Brenna) (Entered: 03/18/2015) |

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| 03/18/2015 | | ORDER finding as moot <u>185</u> Motion for Extension of Time to File. Given that counsel for plaintiff filed his letter within the deadline, IT IS HEREBY ORDERED the Court terminates his motion for an extension of time to file as moot. SO ORDERED. Ordered by Judge Joseph F. Bianco on 3/18/2015. (Street, Caitlin) (Entered: 03/18/2015) |
| 03/18/2015 | | SCHEDULING ORDER: IT IS HEREBY ORDERED that a telephone conference is scheduled for Monday April 13, 2015 at 2:15 p.m. At the time of the conference, plaintiff's counsel shall initiate the call, and, once all parties are on the line, shall telephone Chambers at 631-712-5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 3/18/2015. (Street, Caitlin) (Entered: 03/18/2015) |
| 03/19/2015 | <u>191</u> | RESPONSE in Opposition re <u>190</u> MOTION in Limine <i>regarding deceased plaintiff's pretrial testimony</i> filed by Altitude Express, Inc., Ray Maynard. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Zabell, Saul) (Entered: 03/19/2015) |
| 03/23/2015 | | SCHEDULING ORDER: Due to a conflict in the Court's calendar, IT IS HEREBY ORDERED that the telephone conference scheduled for Monday, April 13 at 2:15 PM is rescheduled to 12:00 PM on the same day. SO ORDERED. Ordered by Judge Joseph F. Bianco on 3/23/2015. (Street, Caitlin) (Entered: 03/23/2015) |
| 03/23/2015 | <u>198</u> | ORDER IN RE CASES RE-ASSIGNED. Ordered by Magistrate Judge Anne Y. Shields on 3/23/2015. (Attachments: # <u>1</u> AYS Rules) (Torres, Jasmine) (Entered: 04/16/2015) |
| 03/28/2015 | <u>192</u> | REPLY in Support re <u>190</u> MOTION in Limine <i>regarding deceased plaintiff's pretrial testimony</i> filed by All Plaintiffs. (Antollino, Gregory) (Entered: 03/28/2015) |
| 03/28/2015 | <u>193</u> | Second MOTION in Limine <i>regarding defense deposition designations of Don Zarda's deposition</i> by William Allen Moore, Jr, Melissa Zarda. (Antollino, Gregory) (Entered: 03/28/2015) |
| 03/30/2015 | <u>194</u> | MOTION to Adjourn Conference <i>of April 13</i> by William Allen Moore, Jr, Melissa Zarda. (Antollino, Gregory) (Entered: 03/30/2015) |
| 04/02/2015 | | ORDER granting <u>194</u> Motion to Adjourn Conference. IT IS HEREBY ORDERED that the request is granted and the telephone conference is now scheduled for Monday, April 27 at 4:30 PM. SO ORDERED. Ordered by Judge Joseph F. Bianco on 4/2/2015. (Street, Caitlin) (Entered: 04/02/2015) |
| 04/15/2015 | <u>195</u> | Letter by Altitude Express, Inc., Ray Maynard (Attachments: # <u>1</u> Exhibit A) (Zabell, Saul) (Entered: 04/15/2015) |
| 04/15/2015 | <u>196</u> | Letter <i>re July 6 is not a good date for anyone now</i> by William Allen Moore, Jr, Melissa Zarda (Antollino, Gregory) (Entered: 04/15/2015) |
| 04/15/2015 | <u>197</u> | Letter <i>concerning Mr. Zabell's misrepresentation to Judge Wexler concerning this case</i> by William Allen Moore, Jr, Melissa Zarda (Attachments: # <u>1</u> Letter from Zabell to Wexler) (Antollino, Gregory) (Entered: 04/15/2015) |
| 04/21/2015 | <u>199</u> | Letter <i>from March 28 with corrections</i> by William Allen Moore, Jr, Melissa Zarda (Antollino, Gregory) (Entered: 04/21/2015) |
| 04/24/2015 | <u>200</u> | Third MOTION in Limine <i>regarding an additional exhibit and proposed demonstrative demonstration</i> by William Allen Moore, Jr, Melissa Zarda. (Antollino, Gregory) (Entered: 04/24/2015) |
| 04/27/2015 | | SCHEDULING ORDER: IT IS HEREBY ORDERED that the telephone conference scheduled for today is adjourned to Thursday, April 30 at 2:30 PM. SO ORDERED. Ordered by Judge Joseph F. Bianco on 4/27/2015. (Street, Caitlin) (Entered: 04/27/2015) |
| 04/30/2015 | <u>201</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Telephone Conference held on 4/30/2015, (Trial set for 7/27/2015 09:30 AM in Courtroom 1040 before Judge Joseph F. Bianco.) (Tape #ftr 2:42 - 3:02.) (Bollbach, Jean) (Entered: 04/30/2015) |

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| 06/02/2015 | <u>202</u> | Letter <i>requesting adjournment</i> by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 06/02/2015) |
| 06/08/2015 | | SCHEDULING ORDER: IT IS HEREBY ORDERED that the parties shall participate in a telephone conference Friday, June 12, 2015 at 4:00 p.m. to discuss defendants' request for an adjournment of the trial. At that time, counsel for defendants shall initiate the call and, once all the parties are on the line, contact Chambers at 631-712-5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 6/8/2015. (Street, Caitlin) (Entered: 06/08/2015) |
| 06/12/2015 | <u>203</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Telephone Conference held on 6/12/2015, Defendant will provide letter from doctor. Trial set for 7/27/2015 is adjourned to 10/13/15. (Jury Selection set for 10/13/2015 09:30 AM in Courtroom 1040 before Judge Joseph F. Bianco.) (Tape #ftr 4:05 – 4:15.) (Bollbach, Jean) (Entered: 06/15/2015) |
| 07/21/2015 | <u>206</u> | MOTION for pre motion conference re <u>145</u> Order on Motion for Partial Summary Judgment, Order on Motion to Strike,,,, <i>to reconsider based on new authority to which the court must grant deference</i> by William Allen Moore, Jr, Melissa Zarda. (Attachments: # <u>1</u> Exhibit A Anonymous v. Foxx) (Antollino, Gregory) (Entered: 07/21/2015) |
| 07/24/2015 | <u>207</u> | RESPONSE in Opposition re <u>206</u> MOTION for pre motion conference re <u>145</u> Order on Motion for Partial Summary Judgment, Order on Motion to Strike,,,, <i>to reconsider based on new authority to which the court must grant deference</i> filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 07/24/2015) |
| 07/24/2015 | <u>208</u> | REPLY in Support of <i>pre-motion conference</i> filed by William Allen Moore, Jr, Melissa Zarda. (Antollino, Gregory) (Entered: 07/24/2015) |
| 07/27/2015 | | ORDER granting <u>206</u> Motion for Pre Motion Conference. IT IS HEREBY ORDERED that a telephone pre-motion conference is scheduled for Thursday, August 6 at 12:15 p.m. At that time, plaintiff's counsel shall initiate the call, and, once all parties are on the line, shall telephone Chambers at 631-712-5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 7/27/2015. (Street, Caitlin) (Entered: 07/27/2015) |
| 08/06/2015 | <u>209</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Telephone Conference held on 8/6/2015; motion for reconsideration to be filed (Tape #ftr 12:27 – 12:37.) (Bollbach, Jean) (Entered: 08/06/2015) |
| 08/07/2015 | <u>210</u> | MOTION for Reconsideration re <u>145</u> Order on Motion for Partial Summary Judgment, Order on Motion to Strike,,,, by William Allen Moore, Jr, Melissa Zarda. (Antollino, Gregory) (Entered: 08/07/2015) |
| 08/07/2015 | <u>211</u> | MEMORANDUM in Support re <u>210</u> MOTION for Reconsideration re <u>145</u> Order on Motion for Partial Summary Judgment, Order on Motion to Strike,,,, filed by William Allen Moore, Jr, Melissa Zarda. (Antollino, Gregory) (Entered: 08/07/2015) |
| 08/21/2015 | <u>212</u> | RESPONSE in Opposition re <u>210</u> MOTION for Reconsideration re <u>145</u> Order on Motion for Partial Summary Judgment, Order on Motion to Strike,,,, filed by Altitude Express, Inc., Ray Maynard. (Attachments: # <u>1</u> Declaration of SDZ, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E) (Zabell, Saul) (Entered: 08/21/2015) |
| 08/24/2015 | <u>213</u> | REPLY to Response to Motion re <u>210</u> MOTION for Reconsideration re <u>145</u> Order on Motion for Partial Summary Judgment, Order on Motion to Strike,,,, filed by All Plaintiffs. (Cardinale, Richard) (Entered: 08/24/2015) |
| 09/22/2015 | <u>214</u> | Letter by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 09/22/2015) |
| 09/23/2015 | <u>215</u> | Motion to Appear by Telephone <i>on Friday if possible to ascertain more information about the defendant's condition</i> by William Allen Moore, Jr, Melissa Zarda. (Antollino, Gregory) (Entered: 09/23/2015) |
| 09/24/2015 | | ORDER granting <u>215</u> Motion to Appear by Telephone. IS HEREBY ORDERED that the parties shall participate in a telephone conference with the Court on Monday, September 28, 2015 at 11:30 a.m. At the time of the conference, counsel |

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| | | for plaintiff shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712 5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 9/24/2015. (Street, Caitlin) (Entered: 09/24/2015) |
| 09/25/2015 | <u>216</u> | Letter by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 09/25/2015) |
| 09/25/2015 | <u>217</u> | Letter <i>regarding withdraw of motion for conference unless otherwise requested</i> by William Allen Moore, Jr, Melissa Zarda (Antollino, Gregory) (Entered: 09/25/2015) |
| 09/25/2015 | | SCHEDULING ORDER: In light of the parties' letters filed today, IT IS HEREBY ORDERED that the telephone conference scheduled for Monday is cancelled. SO ORDERED. Ordered by Judge Joseph F. Bianco on 9/25/2015. (Street, Caitlin) (Entered: 09/25/2015) |
| 09/29/2015 | <u>218</u> | Proposed Voir Dire by William Allen Moore, Jr, Melissa Zarda, TRIAL BRIEF <i>regarding attorney voir dire</i> by William Allen Moore, Jr, Melissa Zarda (Attachments: # <u>1</u> Questionnaire/questions for the court) (Antollino, Gregory) (Entered: 09/29/2015) |
| 10/01/2015 | <u>219</u> | Proposed Jury Instructions by William Allen Moore, Jr, Melissa Zarda (Antollino, Gregory) (Entered: 10/01/2015) |
| 10/02/2015 | <u>220</u> | Letter <i>requesting a Certificate of Engagement</i> by Altitude Express, Inc., Ray Maynard (Attachments: # <u>1</u> Proposed Certificate of Engagement) (Zabell, Saul) (Entered: 10/02/2015) |
| 10/02/2015 | <u>222</u> | ORDER : certificate of engagement filed for Mr. Zabell for jury selection and trial commencing 10/13/15. Ordered by Judge Joseph F. Bianco on 10/2/2015. (Bollbach, Jean) (Entered: 10/06/2015) |
| 10/05/2015 | <u>221</u> | MOTION for Extension of Time to File <i>document binder</i> by William Allen Moore, Jr, Melissa Zarda. (Antollino, Gregory) (Entered: 10/05/2015) |
| 10/06/2015 | | ORDER granting <u>221</u> Motion for Extension of Time to File The Court has received Plaintiff's letter dated October 5, 2015. IT IS HEREBY ORDERED that Plaintiff's request for an extension to provide an exhibit binder on October 7, 2015 is granted. SO ORDERED. Ordered by Judge Joseph F. Bianco on 10/6/2015. (Shea, Zoe) (Entered: 10/06/2015) |
| 10/06/2015 | <u>223</u> | TRIAL BRIEF by Altitude Express, Inc., Ray Maynard (Attachments: # <u>1</u> Declaration of Saul D. Zabell, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G) (Zabell, Saul) (Entered: 10/06/2015) |
| 10/06/2015 | <u>224</u> | Proposed Jury Instructions by Altitude Express, Inc., Ray Maynard (Zabell, Saul) (Entered: 10/06/2015) |
| 10/06/2015 | <u>225</u> | Letter <i>with Defendants' Proposed Trial Exhibits</i> by Altitude Express, Inc., Ray Maynard (Attachments: # <u>1</u> Exhibit List, # <u>2</u> Exhibit A(1), # <u>3</u> Exhibit A(2), # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Exhibit K, # <u>14</u> Exhibit L, # <u>15</u> Exhibit M, # <u>16</u> Exhibit N, # <u>17</u> Exhibit O, # <u>18</u> Exhibit P, # <u>19</u> Exhibit Q, # <u>20</u> Exhibit R, # <u>21</u> Exhibit S, # <u>22</u> Exhibit T, # <u>23</u> Exhibit U, # <u>24</u> Exhibit V, # <u>25</u> Exhibit W, # <u>26</u> Exhibit X, # <u>27</u> Exhibit Y) (Zabell, Saul) (Entered: 10/06/2015) |
| 10/06/2015 | | SCHEDULING ORDER: IT IS HEREBY ORDERED that the parties shall participate in a telephone conference with the Court on Thursday, October 8, 2015 at 12:45 p.m. At the time of the conference, counsel for plaintiff shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712 5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 10/6/2015. (Shea, Zoe) (Entered: 10/06/2015) |
| 10/07/2015 | <u>226</u> | Letter by Altitude Express, Inc., Ray Maynard (Attachments: # <u>1</u> Trial Subpoena – Kengle, # <u>2</u> Affidavit of Service – Kengle, # <u>3</u> Trial Subpoena – Orellana, # <u>4</u> Affidavit of Service – Orellana) (Zabell, Saul) (Entered: 10/07/2015) |

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| 10/07/2015 | <u>227</u> | Letter <i>regarding premature subpoenas on Kengle and Orellana</i> by William Allen Moore, Jr, Melissa Zarda (Antollino, Gregory) (Entered: 10/07/2015) |
| 10/08/2015 | <u>228</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Telephone Conference held on 10/8/2015 (Tape #ftr 1:44 – 2:01.) (Bollbach, Jean) (Entered: 10/08/2015) |
| 10/08/2015 | <u>229</u> | Proposed Jury Instructions by William Allen Moore, Jr, Melissa Zarda (Antollino, Gregory) (Entered: 10/08/2015) |
| 10/10/2015 | <u>230</u> | Letter <i>requesting attorney voir dire and specific question(s) regarding sexual orientation generally and as stated in the workplace</i> by William Allen Moore, Jr, Melissa Zarda (Attachments: # <u>1</u> shortened voir dire, # <u>2</u> page from 10/4/12 conference) (Antollino, Gregory) (Entered: 10/10/2015) |
| 10/13/2015 | <u>231</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco: Jury Selection held and completed on 10/13/2015, Voir Dire held on 10/13/2015, Voir Dire Completed; Jury Trial held on 10/13/2015, witnesses sworn, exhibits entered; plaintiff and deft opens (Jury Trial set for 10/14/2015 09:30 AM in Courtroom 1020 before Judge Joseph F. Bianco.) (Court Reporter Owen Wicker.) (Bollbach, Jean) (Entered: 10/14/2015) |
| 10/14/2015 | <u>232</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Jury Trial held on 10/14/2015, witnesses sworn and exhibits entered(Jury Trial set for 10/15/2015 09:30 AM in Courtroom 1020 before Judge Joseph F. Bianco.) (Court Reporter Owen Wicker.) (Bollbach, Jean) (Entered: 10/15/2015) |
| 10/15/2015 | <u>236</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Jury Trial held on 10/15/2015, witnesses sworn, exhibits entered (Jury Trial set for 10/19/2015 09:30 AM in Courtroom 1020 before Judge Joseph F. Bianco.) (Court Reporter Owen Wicker.) (Bollbach, Jean) (Entered: 10/19/2015) |
| 10/16/2015 | <u>233</u> | MOTION in Limine <i>to admit portions of plaintiff's declaration as exceptions to the hearsay rule</i> , MOTION for Sanctions <i>in precluding three or at least one for failure to adequately identify witnesses before trial</i> by William Allen Moore, Jr, Melissa Zarda. (Attachments: # <u>1</u> Exhibit 1 Plaintiff's annotated declaration, # <u>2</u> Exhibit Defendant's final amended initial disclosures, # <u>3</u> Exhibit 3 Defendant's produced list of names and addresses of plaintiff's co-workers) (Antollino, Gregory) (Entered: 10/16/2015) |
| 10/17/2015 | <u>234</u> | Proposed Findings of Fact by William Allen Moore, Jr, Melissa Zarda (Antollino, Gregory) (Entered: 10/17/2015) |
| 10/19/2015 | <u>235</u> | RESPONSE in Opposition re <u>233</u> MOTION in Limine <i>to admit portions of plaintiff's declaration as exceptions to the hearsay rule</i> MOTION for Sanctions <i>in precluding three or at least one for failure to adequately identify witnesses before trial</i> filed by Altitude Express, Inc., Ray Maynard. (Zabell, Saul) (Entered: 10/19/2015) |
| 10/19/2015 | <u>237</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Jury Trial held on 10/19/2015, witnesses sworn, exhibits entered (Jury Trial set for 10/20/2015 09:30 AM in Courtroom 1020 before Judge Joseph F. Bianco.) (Court Reporter Ellen Combs and Owen Wicker.) (Bollbach, Jean) (Entered: 10/20/2015) |
| 10/20/2015 | <u>238</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco:Jury Trial held on 10/20/2015, witnesses sworn, exhibits entered; plaintiff rests, deft rests(Jury Trial set for 10/21/2015 09:30 PM in Courtroom 1020 before Judge Joseph F. Bianco.) (Court Reporter Ellen Combs and Owen Wicker.) (Bollbach, Jean) (Entered: 10/20/2015) |
| 10/20/2015 | <u>239</u> | Letter <i>regarding one additional jury instruction</i> by William Allen Moore, Jr, Melissa Zarda (Antollino, Gregory) (Entered: 10/20/2015) |
| 10/20/2015 | <u>240</u> | Proposed Jury Instructions by William Allen Moore, Jr, Melissa Zarda (Antollino, Gregory) (Entered: 10/20/2015) |
| 10/20/2015 | <u>241</u> | Court's Proposed Jury Instructions (Shea, Zoe) (Entered: 10/20/2015) |

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| 10/20/2015 | <u>242</u> | Court's Proposed Verdict Sheet (Shea, Zoe) (Entered: 10/20/2015) |
| 10/21/2015 | <u>243</u> | Minute Entry for proceedings held before Judge Joseph F. Bianco: jury trial held; plaintiff summation; deft summation, plaintiff rebuttal, jury trial ends, jury charged; deliberations begin; defts verdict. Jury Trial completed on 10/21/2015 (Court Reporter Ellen Combs and Owen Wicker.) (Bollbach, Jean) (Entered: 10/22/2015) |
| 10/21/2015 | <u>244</u> | Order of Sustenance/Lodging/Transportation – lunch 8 jurors. Ordered by Judge Joseph F. Bianco on 10/21/2015. (Bollbach, Jean) (Entered: 10/26/2015) |
| 10/21/2015 | <u>245</u> | JURY TRIAL COURT EXHIBITS 1–2, A–F (3 is verdict sheet which is separate) (Bollbach, Jean) (Entered: 10/26/2015) |
| 10/21/2015 | <u>246</u> | JURY VERDICT SHEET (Bollbach, Jean) (Entered: 10/26/2015) |
| 10/28/2015 | <u>247</u> | JUDGMENT : IT IS ORDERED AND ADJUDGED that the plaintiff, estate of Donald Zarda, take nothing of the defendants, Altitude Express Inc. and Raymond Maynard, and that the action be dismissed on the merits. (Bollbach, Jean)cm (Entered: 10/29/2015) |
| 11/17/2015 | <u>248</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 10/20/15, before Judge Joseph F. Bianco. Court Reporter/Transcriber E Combs. Email address: ellencombs@hotmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. File redaction request using event "Redaction Request – Transcript" located under "Other Filings – Other Documents". Redaction Request due 12/8/2015. Redacted Transcript Deadline set for 12/18/2015. Release of Transcript Restriction set for 2/15/2016. (Combs, Ellen) (Entered: 11/17/2015) |
| 11/17/2015 | <u>249</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 10/21/15, before Judge Joseph F. Bianco. Court Reporter/Transcriber E Combs. Email address: ellencombs@hotmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. File redaction request using event "Redaction Request – Transcript" located under "Other Filings – Other Documents". Redaction Request due 12/8/2015. Redacted Transcript Deadline set for 12/18/2015. Release of Transcript Restriction set for 2/15/2016. (Combs, Ellen) (Entered: 11/17/2015) |
| 11/17/2015 | <u>250</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 10/19/15, before Judge Joseph F. Bianco. Court Reporter/Transcriber E Combs. Email address: ellencombs@hotmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. File redaction request using event "Redaction Request – Transcript" located under "Other Filings – Other Documents". Redaction Request due 12/8/2015. Redacted Transcript Deadline set for 12/18/2015. Release of Transcript Restriction set for 2/15/2016. (Combs, Ellen) (Entered: 11/17/2015) |
| 11/19/2015 | <u>251</u> | Order of Transportation. Ordered by Judge Joseph F. Bianco on 11/19/2015. (Bollbach, Jean) (Entered: 11/20/2015) |
| 11/20/2015 | <u>252</u> | NOTICE OF APPEAL as to <u>247</u> Judgment by William Allen Moore, Jr, Melissa Zarda. (Antollino, Gregory) (Entered: 11/20/2015) |
| 11/20/2015 | | Electronic Index to Record on Appeal sent to US Court of Appeals. <u>252</u> Notice of Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (Cox, Dwayne) (Entered: 11/20/2015) |