

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 15-3775 Caption [use short title] _____

Motion for: Extra words in reply brief Zarda

v.

Set forth below precise, complete statement of relief sought: Altitude Express

I intend to file appellant's reply brief on time
however, in this en banc proceeding, I am
not responding to one party, but several,
including amici. I anticipate I can do the job in
8000 rather than 7000 words.

MOVING PARTY: Estate of Donald Zarda OPPOSING PARTY: Altitude Express

Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Gregory Antollino, Esq. OPPOSING ATTORNEY: Saul Zabell
[name of attorney, with firm, address, phone number and e-mail]

275 Seventh Avenue Suite 705 One Corporate Square
New York, NY 10001 212-334-7397 Bohemia, New York
gregory10011@icloud.com szabell@laborlawsny.com

Court-Judge/Agency appealed from: ENDY- Joseph M. Bianco

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
 Yes No (explain): _____
I have notified all amici as well

Opposing counsel's position on motion:
 Unopposed Opposed Don't Know

Does opposing counsel intend to file a response:
 Yes No Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:
Has request for relief been made below? Yes No
Has this relief been previously sought in this Court? Yes No
Requested return date and explanation of emergency: _____

This is a mild emergency insofar as the
brief is due on Wednesday.

Oral argument on motion requested? Yes No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No If yes, enter date: _____

Signature of Moving Attorney: Gregory Antollino Date: 8/6/17 Service by: CMECF Other [Attach proof of service]

UNITED STATES COURT OF
APPEALS SECOND CIRCUIT

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ESTATE OF ZARDA

Plaintiff-Appellant,

-against-

ALTITUDE EXPRESS, et ano.

DECLARATION IN
SUPPORT
OF MOTION

15-3775

Defendants-Appellees

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GREGORY ANTOLLINO, an attorney admitted to this court who
was does hereby declare under penalty of perjury of the United States as
follows:

1. I make this declaration in support of this motion for permission to file a reply brief not to exceed 8000 words.
2. I have never asked for additional words for reply, but this case is scheduled for an En Banc hearing. The Court appointed Adam Mortara, Esq., to argue the appeal in addition to defense counsel. Mr. Mortara focused solely on the substance of the issues at hand. Defense counsel, however, filed a supplemental appendix and concentrated exclusively on procedural issues to defeat the appeal, making it impossible to combine my reply to their arguments.
3. In addition, the Department of Justice filed an opposition brief, whose points are deserving of response, as well as those of two additional amici representing non-profit organizations in opposition.
4. I have asked my adversary, appointed adversary and all amici for their consent just now and would not have heard back by now. If I receive their responses tomorrow morning, I will update this motion. I understand that

