

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 26th day of February, two thousand and eighteen.

Before: Robert A. Katzmann,
 Chief Judge,
 Dennis Jacobs,
 José A. Cabranes,
 Rosemary S. Pooler,
 Robert D. Sack,
 Reena Raggi,
 Peter W. Hall,
 Debra Ann Livingston,
 Gerard E. Lynch,
 Denny Chin,
 Raymond J. Lohier, Jr.,
 Susan L. Carney,
 Christopher F. Droney,
 Circuit Judges.

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

Plaintiffs - Appellants,

v.

Altitude Express, Inc, doing business as Skydive Long Island,
Ray Maynard,

Defendants - Appellees.

JUDGMENT
Docket No. 15-3775

The appeal in the above captioned case from a judgment of the United States District Court for the Eastern District of New York was argued on the district court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that, after *en banc* rehearing, the judgment of the district court on Zarda's Title VII claim is VACATED and the case is

REMANDED for further proceedings consistent with this Court's opinion. The judgment of the district court is AFFIRMED in all other respects.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court

A handwritten signature in blue ink that reads "Catherine O'Hagan Wolfe". The signature is written in a cursive style and is positioned over a circular official seal.

The seal of the United States Second Circuit Court of Appeals. It is a circular emblem with a blue border. The text "UNITED STATES" is at the top, "SECOND CIRCUIT" is in the center, and "COURT OF APPEALS" is at the bottom. There are two small stars on either side of the center text.

*Judge Sack and Judge Lynch, who are senior judges, are eligible to participate in this *en banc* pursuant to 28 U.S.C. § 46(c)(1) and 28 U.S.C. § 294(c).