

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**DONALD ZARDA,**

**Plaintiff,**

**– against –**

**ALTITUDE EXPRESS, INC. d/b/a SKYDIVE  
LONG ISLAND and RAY MAYNARD,**

**Defendants.**

**Case No.:**

**CV-10-4334 (JFB)(ARL)**

**DECLARATION IN SUPPORT OF  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

**SAUL D. ZABELL, ESQ.**, attorney duly admitted to practice before this Court, hereby affirms the following under the penalty of perjury:

1. I am the managing principal of Zabell & Associates, P.C., and counsel for Defendants Altitude Express, Inc. d/b/a Skydive Long Island and Ray Maynard in the above-captioned Action. I submit this Declaration in support of Defendants' Motion for Summary Judgment.

**EXHIBITS**

2. Attached hereto as "Exhibit 1" is a true and correct copy of the New York State Department of State Entity Information for "Altitude Express, Inc."
3. Attached hereto as "Exhibit 2" are true and correct copies of the 2009 gross receipts for Altitude Express, Inc.
4. Attached hereto as "Exhibit 3" are true and correct copies of the 2010 gross receipts for Altitude Express, Inc.
5. Attached hereto as "Exhibit 4" is a true and correct copy of Donald Zarda's Paycheck from June 27, 2010.

6. Attached hereto as “Exhibit 5” is a true and correct copy of Donald Zarda’s Jump Log for 2009 at Altitude Express, Inc.
7. Attached hereto as “Exhibit 6” is a true and correct copy of Donald Zarda’s Jump Log for 2010 at Altitude Express, Inc.
8. Attached hereto as “Exhibit 7” is a true and correct copy of Donald Zarda’s 2009 and 2010 Earnings Report from Altitude Express, Inc.
9. Attached hereto as “Exhibit 8” is a true and correct copy of the “New York State History of the Hourly Minimum Wage,” taken from New York State Department of Labor Website: [http://www.labor.ny.gov/stats/minimum\\_wage.asp](http://www.labor.ny.gov/stats/minimum_wage.asp)
10. Attached hereto as “Exhibit 9” is a true and correct copy of the Calculation of Donald Zarda’s Weekly Wages from 2009 and 2010.
11. Attached hereto as “Exhibit 10” is a true and correct copy of Gregory Antollino’s Letter to U.S. District Judge Bianco, dated December 4, 2012 [ECF Document No.: 106].
12. Attached hereto as “Exhibit 11” is a true and correct copy of the deposition transcript of Donald Zarda.
13. Attached hereto as “Exhibit 12” is a true and correct copy of the deposition transcript of Raymond Maynard.
14. Attached hereto as “Exhibit 13” is a true and correct copy of the deposition transcript of Richard M. Winstock.
15. Attached hereto as “Exhibit 14” is a true and correct copy of the deposition transcript of Lauren Callanan.
16. Attached hereto as “Exhibit 15” is a true and correct copy of the deposition transcript of David Kengle.

17. Attached hereto as "Exhibit 16" is a true and correct copy of the deposition transcript of  
Rosana Orellana.

Dated: Bohemia, New York  
February 11, 2013

**ZABELL & ASSOCIATES, P.C.**

By: 

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