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January 10, 2011

VIA ELECTRONIC CASE FILING

The Honorable Joseph F. Bianco
United States District Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

**Re: Zarda v. Altitude Express, Inc., et al.
Case No.: CV-10-4334 (JFB)(ARL)**

Your Honor:

This firm is counsel to Altitude Express, Inc., et al., Defendants in the above-referenced action. We write to advise Your Honor that after considering the content of our conference, Defendants have decided not to file their previously contemplated motion to dismiss at this time, and will file an Answer to Plaintiff's Complaint today.

Counsel remains available should Your Honor require additional information regarding this submission.

Respectfully submitted,

ZABELL & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to be 'Saul Zabell', is written over a horizontal line. Below the signature, the name 'Saul Zabell' is printed in a standard font.

Saul Zabell

cc: Gregory Antollino, Esq. (via electronic case filing)