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March 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:

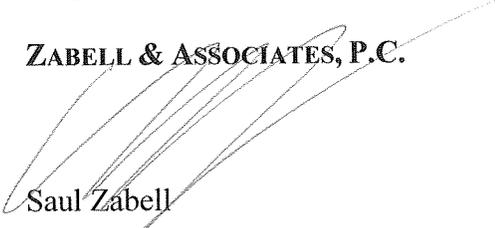
This firm is counsel to Altitude Express, Inc., et al., Defendants in the above-referenced action. We write in response to Mr. Antollino's application of March 8, 2011.

Counsel respectfully submits this Court should reject the pending application as Mr. Antollino failed to meet and confer with this office prior to its filing in contravention of the Local Rules of Practice 37.3(a). Specifically, on March 8, 2011, in response to a telephone message from Mr. Antollino, I advised that I would be out of the office until March 9, 2011 and further, that I could be reached by e-mail in the event he required assistance beforehand (Ex. A). Inasmuch as Mr. Antollino filed his application knowing full well that I was unavailable to meet and confer, his actions are violative of the Local Rules of Practice.

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

Respectfully submitted,

ZABELL & ASSOCIATES, P.C.



Saul Zabell

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

EXHIBIT A

SZabell@laborlawsny.com

From: SZabell@laborlawsny.com
Sent: Tuesday, March 08, 2011 4:55 PM
To: Gregory Antollino
Cc: Tdomanick@laborlawsny.com
Subject: Altitude Express / Zarda

Mr. Antollino, I will be out of the office until tomorrow afternoon. If you have any discovery issues or require a courtesy, please send me an email spelling out what you need and I will endeavor to respond earlier.

Sent from a mobile location

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