

GREGORY ANTOLLINO

ATTORNEY AT LAW

GREG@ANTOLLINO.COM

18-20 WEST 21ST STREET, SUITE 802
NEW YORK, NEW YORK 10010

TEL. (212) 334-7397
FAX (212) 334-7399

April 13, 2011

U.S. District Judge Joseph F. Bianco
Long Island Federal Courthouse
814 Federal Plaza
Central Islip, New York 11722

RE: Zarda v. Altitude Express, Inc. & Ray Maynard, 10 Civ 4334 (JFB)(ARL)

Dear Judge Bianco:

I represent plaintiff in this action and make this motion to strike defendants' pending motion to compel with an order directing that it be refiled in conformity with the local rules and your individual rules. In this employment discrimination case, where the main question is going to be whether the defendant legally discharged plaintiff for telling a customer that he is gay, the defendant has served more discovery requests – over one hundred discovery demands, plus multiple interrogatories, demands for admission and requests for releases – on me than I have ever encountered in any of the hundreds of cases I have filed on behalf of plaintiffs over the past seventeen years. Even in my biggest case, Norville v. Staten Island University Hospital, which made three trips to the Circuit and was tried three times, I have never witnessed such a profusion of paper for paper's sake. The defendants have clearly given Mr. Zabell the go ahead to spend as much of their money as possible to defend this claim. It's defendants' prerogative to scorch the earth with a relatively simple case, but that does not mean that the Court should indulge excessive filings in violation of the rules and without leave of court.

The local rules allow that discovery motions may be three pages long, and limit filings of non-essential material. Local Rules 37.3 and 6.4. The defendant's motion contains a total of *176 pages*. Not even the memorandum of law is within your individual rules limiting a brief – for a substantive motion, like summary judgment – to 25 pages, unless prior permission is granted.

Rather than ask the Court to deny the motion outright, I ask that the motion be denied without prejudice to refile in accordance with the local rules. If the Court deems the motion appropriately sized, then so be it, I will answer, but a briefing schedule should be set. Before I spend valuable time answering this - the largest motion I have ever seen outside of a request for judgment as a matter of law - I believe the Court should opine as to whether the size of this motion is appropriate or should be vastly reduced.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Antollino', with a long horizontal flourish extending to the right.

Gregory Antollino

Cc: Saul Zabell by ecf