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April 13, 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:

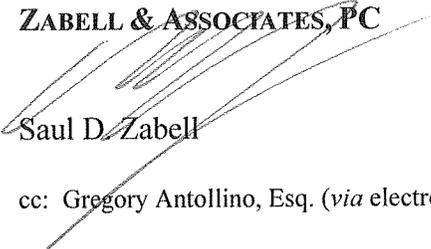
We represent Defendants in connection with the above-captioned matter. We write in connection with Plaintiff's submission of yesterday [Document No.: 33].

Upon review, we submit the filing constitutes an impermissible surreply; not contemplated by either the Federal or Local Rules, or Your Honor's Individual Rules of Practice. Specifically, inasmuch as Plaintiff previously filed his motion [Document No.: 31], Defendants' filed their opposition, [Document No. 32], and yesterday's submission is replete with factual representations best served for Oral Argument, Defendants respectfully request the Court disregard the filing as it is procedurally defective.

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

Respectfully submitted,

ZABELL & ASSOCIATES, PC



Saul D. Zabell

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