

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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**DONALD ZARDA,**

NOTICE OF  
MOTION

Plaintiff,

-against-

10-cv-04334-JFB

**ALTITUDE EXPRESS, INC.,  
dba Skydive Long Island, and RAY MAYNARD,**

Defendants.

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PLEASE TAKE NOTICE that pursuant to the applicable Federal Rules of Civil Procedure and of the United Eastern District of New York, plaintiff will move on such terms and at such time as the Court may order, but no sooner than MAY 29, 2013 at 4:30 PM before the Honorable Joseph Bianco, United States District Judge, 100 Federal Plaza Central Islip, New York for the following orders:

1. Granting plaintiff partial summary judgment as to liability under his claim for sexual orientation discrimination; and
2. Granting plaintiff liability and damages pursuant to his claim for minimum wage violations; and
3. Imposing an adverse inference for the employer's failure to keep employment records, electronic data, or to do any semblance of a search for electronic data relevant to this lawsuit.

4. Such other relief as the Court may deem necessary and proper.

Dated: New York, New York  
April 8, 2013

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/s/  
GREGORY ANTOLLINO GA 5950  
Attorney for Plaintiff  
18 West 21<sup>st</sup> Street, Suite 802  
New York, NY 10010