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**VIA ELECTRONIC CASE FILING**

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

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

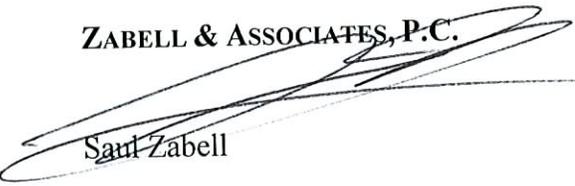
Your Honor:

This firm is counsel to Altitude Express, Inc., et al., Defendants in the above-referenced action. We write to apprise the Court that Plaintiff's Reply Memorandum of Law exceeds the scope of a proper Reply governed by Fed. R. Civ. P. 56. Plaintiff cross-moved for summary judgment on two claims: (1) sexual orientation discrimination pursuant to the New York State Human Rights Law; and (2) Minimum Wage under the New York Labor Law. Accordingly, Plaintiff's Reply Memorandum is restricted to these discrete issues. However, the first six (6) pages of Plaintiff's eleven (11) page Reply are dedicated to arguing that Plaintiff's claims for sex stereotyping survive summary judgment. This subject matter exceeds the permissible scope for Plaintiff's Reply. As such, Defendants respectfully request Your Honor disregard the first six (6) pages of Plaintiff's Reply Memorandum of Law.

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)  
Client