

# GREGORY ANTOLLINO

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June 5, 2014

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)

Dear Judge Bianco:

I represent plaintiff and would ask for an extension of the filing of the pretrial order until such time as defendant explains why they are listing 43 witnesses, most of whose names I do not recognize. Rebuttal/impeachment witnesses don't count for the JPTO, but Mr. Zabell has placed the following names on his version, and I can't sign a copy until he explains this, unless you would prefer to deal with this at the final pre-trial conference.

In addition to the main six or so witnesses that you read about at summary judgment, Mr. Zabell reserves the right to call:

1. Michael Gocke, Witness
2. Shaun Tierney, Witness
3. Tim Fayan, Witness
4. Ed Reiter, Witness
5. Robert Kozakiewicz, Witness
6. Kris Zito, Witness
7. John Campbell, Witness
8. Carmen Villamil, Witness
9. Duncan Shaw, Witness
10. Marko Markovich, Witness
11. Brandon Spadero, Witness
12. Orin Perry, Witness
13. Curt Kellinger, Witness
14. Ben Lowe, Witness
15. Aristotelo Dorizas, Witness
16. Wayne Burrell, Witness
17. Jason Lucas, Witness
18. John Sherman, Witness
19. Erik Tops, Witness

20. Jason Berger, Witness
21. Timothy Fagan, Witness
22. Joseph Fortune, Witness
23. James McQueen, Witness
24. Jordan Miles, Witness
25. Patrick Newman, Witness
26. Brett Nock, Witness
27. Brian Petretti, Witness
28. Daniel Santiago, Witness
29. Robert Swaine, Witness
30. Janeen Tierney, Witness
31. Douglas Alm, Witness
32. Meghan Ayers, Witness
33. Jared Fox, Witness
34. Gerard Hannon, Witness
35. Brian Kullmann, Witness
36. Dean Langen, Witness
37. Doug Licciardi, Witness
38. Paul Lichtarski, Witness
39. Allison Rodriguez, Witness
40. Christopher Spencer, Witness
41. Michael Thamarus, Witness
42. Casey Lacour, Witness
43. Miguel Arias, Witness
44. Matthew Kaufman, Witness
45. Graham Kozakiewicz, Witness
46. Jon Eric Lohwasser, Witness
47. Christina McCormick, Witness
48. Andrew Medina, Witness
49. Ryan Sargent, Witness
50. Jonathan Villa, Witness

I have been diligent with the facts of this case, and with the exception of three employees of the drop zone, whom we do not plan to call, I have no idea what relevance any of these people have to this case, nor do I believe I have their contact information. I would ask you to compel Mr. Zabell (a) to eliminate rebuttal/impeachment witnesses from this list; (b) explain the relevance of these witnesses; or (3) just litigate with civility and eliminate the names of people he will probably not call, subject to amendment for good cause. This is not a 60 witness case.

Sincerely,



Gregory Antollino  
Cc: Saul Zabell