

GREGORY ANTOLLINO

ATTORNEY AT LAW

GREG@ANTOLLINO.COM

275 SEVENTH AVENUE, SUITE 705
NEW YORK, NEW YORK 10001

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

June 9, 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 a motion regarding what I believe to be excessive witnesses is pending before the Court. We are in no rush to file the JPTO for a trial that you have indicated will likely take place in the fall, but I ask that since today is the date the filing of the order is due, that the filing date be extended until such time as you rule on my earlier motion. My belief is that, without a court order, by signing a JPTO with 60 witnesses on it that I would potentially be committing malpractice. *Few* of the 60 names were listed on the defendant's initial disclosures, few have any memorial resonance in my mind, and your rules do not require that rebuttal and impeachment *witnesses* be listed on the JPTO, only impeachment and rebuttal *exhibits*. An impeachment exhibit can be exchanged and examined by me before trial; on the other hand, witnesses cannot be compelled to testify after the close of discovery and I don't have their addresses in most cases.

I am ready with my list of seven witnesses and all exhibits I intend potentially to introduce into evidence. However, I have been unable to reason with Mr. Zabell to whittle down his witness list (save one – his client's girlfriend), so I need clarification from the Court before I become part of Mr. Zabell's ptr-trial exercise. I would also like to have a final pre-trial conference in June as I recall we had mentioned, because I start a vacation in July, and I wanted to raise some issues that will affect how I present my case in the fall that will require a response from Mr. Zabell and potentially a ruling from the Court.

Thank you for your consideration and please guide us accordingly.

Sincerely,



Gregory Antollino