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January 20, 2015

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:

Happy New Year and I hope your holiday was enjoyable; mine was terrific. I'm writing so that we can get this case moving again and start with a schedule for any in limine or other pre-trial motions, for amending the pre-trial order, and for scheduling a trial. I understand the priority of criminal cases, but I do not believe this case will take as long as Mr. Zabell has previously estimated, so I'd propose a week in the spring out of convenience to the parties, witnesses and the co-executors of the estate, both of whom live in the south/midwest. One of them is also getting married on April 1.

Given the death of the plaintiff, I no longer intend to use Mr. Maynard's deposition in plaintiff's direct case except for impeachment purposes. I do, however, intend to use Mr. Zarda's deposition, of course, as well as that of Lauren Callanan, the former office manager of the defendant company, who is currently living just outside of subpoena jurisdiction, as I have previously established. Therefore, the greatest portion of my previously filed in limine motion is now moot. I think a phone conference to identify issues in dispute at this stage, or things that need to be retooled would be advisable, and of course I'd like to set a trial date.

Thank you for your consideration.

Sincerely,



Gregory Antollino

Cc: Saul Zabell by ecf
Melissa Zarda
William Moore
Richard Cardinale