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Z
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EMPLOYMENT COUNSELING, LITIGATION, LABOR & BENEFITS LAW

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Saul D. Zabell
Email: SZabell@laborlawsny.com

March 3, 2015

VIA ELECTRONIC CASE FILING

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

Re: Donald Zarda v. Altitude Express, Inc. and Raymond Maynard
Case No.: 10-CV-04334 (JFB)(GRB)

Your Honor:

We are counsel for Defendants in the above-referenced matter. We respectfully submit the following in response to Mr. Antollino's expressions of his feelings contained within his March 2 missive (Document 187).

We have attached the email exchange between this firm and Mr. Antollino for reference. We choose not to address the multiple personal attacks and revisionist attempts to rehash issues previously addressed before this court and others. We do respectfully request that Your Honor take some affirmative steps to address Mr. Antollino's behavior as it appears to be escalating.

Respectfully submitted,

ZABELL & ASSOCIATES, P.C.


Saul D. Zabell
SDZ/ms

cc: Gregory Antollino, Esq. (via Electronic Case Filing)
client

Saul D. Zabell

From: Gregory Antollino <gregory10010@verizon.net>
Sent: Thursday, February 19, 2015 2:40 PM
To: Saul D. Zabell
Subject: Re: Zarda v. Altitude Express

AmicusFileIds: 1354
AmicusFileName: Skydive Long Island
AmicusId: 2044928
AmicusStatus: Saved

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On what grounds? The JPTO is not amended and you have my statement in writing. Unlike you, I don't play dirty. Unlike you, I care about my reputation. You have been sanctioned so many times? You want to move to depose a witness whom I've said in writing I'm not going to call? Where do you get your hubris, you bully?

We've decided we don't need and won't call Mr. Moore. You have that in writing, so please calm down.

Greg A. Sent from my iPhone with Voice to text technology. Please excuse mistakes.

On Feb 19, 2015, at 2:30 PM, Saul D. Zabell <szabell@laborlawsny.com> wrote:

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I will expect the stipulation signed and returned to me or will be forced to move.

**PLEASE NOTE OUR
NEW ADDRESS**

Saul D. Zabell
Zabell & Associates, PC
One Corporate Drive,
Suite 103
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<image001.jpg>

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From: Gregory Antollino [mailto:gregory10010@verizon.net]

Sent: Thursday, February 19, 2015 2:28 PM

To: Saul D. Zabell

Subject: Re: Zarda v. Altitude Express

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Saul he can't make the trial, and we've decided not to ask for an adjournment. Do you think the judge will let me call him after I won't produce him?
You're such a sore winner under the circumstances.

Greg A. Sent from my iPhone with Voice to text technology. Please excuse mistakes.

On Feb 19, 2015, at 1:57 PM, Saul D. Zabell <szabell@laborlawsny.com> wrote:

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Gregory, based upon your representations please execute the attached stipulation and return it to me for filing. If it is not returned I will have to insist that Mr. Moore be deposed.

Saul Zabell

**PLEASE NOTE OUR
NEW ADDRESS**

Saul D. Zabell
Zabell & Associates, PC
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<Stipulation.pdf>

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

DONALD ZARDA,

Plaintiff,

- against -

**ALTITUDE EXPRESS, INC., d/b/a SKYDIVE
LONG ISLAND, and RAY MAYNARD,**

Defendants.

Case No.: CV 10-4334 (JFB)(ARL)

STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and between the parties in the above-captioned action, through their undersigned counsel, that, Plaintiff will not call Mr. Moore to testify at trial, and therefore, Mr. Moore will not be deposed. Further, subject to the need to call rebuttal witnesses, the only witnesses who will be called to testify at trial were previously identified in the parties' Joint Pre-Trial Order.

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ATTORNEYS FOR DEFENDANTS
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(631) 589-7242

By: _____
Gregory Antollino, Esq.

By: _____
Saul D. Zabell, Esq.

Dated: February __, 2015

Dated: February 19, 2015

SO ORDERED:

U.S. District Court Judge Joseph F. Bianco

Saul D. Zabell

From:  Gregory Antollino <gregory10010@verizon.net>
Sent: Wednesday, February 18, 2015 11:09 AM
To: Saul D. Zabell
Subject: William Moore

AmicusFileIds: 1354
AmicusFileName: Skydive Long Island
AmicusId: 2044893
AmicusStatus: Saved

We've decided we're not calling Mr. Moore to testify, and will rely only on those witnesses on the JPTO and that were revealed before discovery closed. So no depositions need be scheduled and I'll have the citations to Zarda's deposition within two weeks.

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