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April 15, 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:

I represent the plaintiff in this action and hate to be a tattletale, but Mr. Zabell wrote to Judge Wexler today to say that this case has been scheduled for July 6. (Letter attached.) As you know, that's not true. You gave us three dates, one of which Mr. Zabell opted out of. The other two, July 6 and 23 are not chosen between. Both were initially fine with me, then July 6 became iffy. My witness had a conference scheduled for that date. I called your clerk to see if a date would be chosen for this case before he made a decision whether to cancel the conference, never got an answer, and assumed that therefore my witness would be accommodated as well as Mr. Zabell's schedule. Now he's writing you and Judge Wexler stating that July 6 is the date chosen. That is a lie. He would have been within his rights to write to you to say, sorry, I can't do the 6th, but to write to Judge Wexler and say that you have scheduled the Zarda trial for the 6th, when you have not, is an outright falsehood.

This is what happens when attorneys are not disciplined for violations of ethical rules, rules to engage in discussion, and civility requirements: They ignore them, including but not limited to lying to the tribunal. I ask that you schedule the trial for the 23rd (or for that matter, any date my clients and witnesses are available). In my opinion, given this obvious breach of ethics, Mr. Zabell should also be sanctioned for playing these games, including but not limited to striking his client's answer. But that's your decision. As I've said before: Unless you are elevated, which would be a good thing, you'll have to deal with Mr. Zabell much longer than me. You want him to act like this before you and other tribunals, then, as my grandmother would say, it's your agita, not mine.

Sincerely,
/s/

Gregory Antollino

Cc: Saul Zabell by ecf

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April 15, 2015

VIA ECF

The Honorable Leonard D. Wexler
United States District Court Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

**Re: Francis Cole v. Springs Union Free School District, et al
Case No. 13-cv-6574 (LDW) (ARL)**

**Lopez et al v. Setauket Car Wash & Detail Center et al
Case No. 12-cv-6324 (LDW) (AYS)**

Your Honor:

I write in response to the "Notice of Hearing" received in the two above matters setting the trials down for June 29, 2015 and "a date in June 2015" respectively. I am currently scheduled to be on trial before Judge Bianco beginning July 6 in the matter of Zarda v. Altitude Express, Inc. et al, 2:10-cv-04334 (JFB) (AYS). I am hopeful that this will not interfere with the above two referenced matters, but thought it prudent to advise Your Honor of the potential conflict as soon as it came to light. To the extent an adjournment would be required so as to avoid the potential for wasted judicial resources, we ask only that the dates be moved earlier as opposed to later.

Respectfully submitted,

ZABELL & ASSOCIATES, P.C.


Saul D. Zabell

cc: Peter Romero, Susan Odessky – Via ECF