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December 15, 2011

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 unfortunately must ask that the Court weigh in on the scheduling of a deposition. In a normal case, I would simply adjourn it, but my client has flown in from the middle of the country (he resides in Missouri, but is currently staying in Dallas) to attend the deposition, along with a few others we had this and last week. In October, Mr. Zabell and I agreed on this period for the gravamen of the depositions to take place.

I subpoenaed one Lauren Callanan for a deposition on Tuesday at 2 in Suffolk. Ms. Callanan is the office manager at Altitude Express and is well under the defendant's control. At Mr. Zabell's request this week, I adjourned Callanan's deposition to Friday afternoon. In so doing, I had to adjourn a deposition in another case and my client had to change his flight and extend his stay because he had intended on leaving Friday.

I think I need three hours for this witness. However, Mr. Zabell will not allow more than two hours on Friday because he has a family matter to attend to. He offered Saturday, which I reluctantly agreed to, but because of my plans, I can only do Saturday within a few hours in Manhattan or Brooklyn.

My client flew out here to attend this deposition, as is his right. He is also indispensable to me because he understands his business and provides me with information for many important follow up questions.

Yesterday, I asked Mr. Zabell to call me about this. Today, I have tried to discuss this with Mr. Zabell five times today - by email twice, and I left him voice messages on his cell phone and office phone. I just called his office again and his receptionist would not put me through because he was "in conference." Since the deposition was adjourned at Mr. Zabell's request, I ask that he be ordered to accommodate my schedule and make himself and the witness available for three

hours on Friday afternoon in Suffolk at Mr. Zabell's office or Saturday afternoon in Manhattan at my office. That's all I can swing before my client leaves, and I have done everything reasonable under the circumstances, with inconveniences to my client and my own schedule, which was changed at Mr. Zabell's request. I do not want Mr. Zabell to miss his family matter, so I am offering to do this on Saturday. I'm sorry I could not work this out without this Court intervention. The subpoena is attached.

Sincerely,



Gregory Antollino

Cc: Saul Zabell (by ecf)

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

ZARDA
Plaintiff
v.
ALTITUDE EXPRESS
Defendant
Civil Action No. 10-4334
(If the action is pending in another district, state where:)

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: LAUREN CALLANAN, PO BOX 353, YAPHANK NY 11980

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is not a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: BEE REPORTING, 800 Veterans Memorial Highway, Hauppauge, NY 11788
Date and Time: 12/13/2011 1:00 pm

The deposition will be recorded by this method: stenographer

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

ANY AND ALL CORRESPONDENCE (INCLUDING BUT NOT LIMITED TO EMAIL, LETTER, FAX, CABLE, FEDEX) FROM ALTITUDE EXPRESS OR RAY MAYNARD COMMUNICATING TO EMPLOYEES OF ALTITUDE EXPRESS CONCERNING DONALD ZARDA CONCERNING HIS LAWSUIT, AS WELL AS ANY COMMUNICATIONS WITH ROSANNA ORELLANA OR DAVID KENGLE AND ANY DOCUMENTATION OF "COMPLAINTS FROM PAYING CUSTOMERS" REFERENCED IN THE ATTACHED LETTER.

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 11/19/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Donald Zarda, who issues or requests this subpoena, are: GREGORY ANTOLLINO, 18 WEST 21ST ST SUITE 802, NEW YORK, NY 10011

ALTITUDE EXPRESS Inc.
dba SKYDIVE LONG ISLAND
CALVERTON, NY
631.208.3900
WWW.SKYDIVELONGISLAND.COM

RE: SS# 489-86-2464

October 1, 2010

To whom it may concern,

I am writing to you in regards of a former employee, Mr. Donald J. Zarda (SS# of 489-86-2464). Our company received a request for employment and wage data for an unemployment claim that Mr. Zarda had filed and we would like to provide some further information that you may not already have in your files.

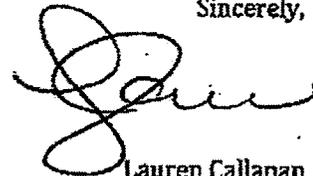
To begin, Mr. Zarda was rehired with our company Altitude Express Inc, dba Skydive Long Island back in May of 2009. During his first bout of reemployment, Mr. Zarda fractured his right ankle and began collecting disability as of July 3rd, 2009 in the sum of \$24,600. To the best of my knowledge, the last hearing on the matter took place in Hauppauge, NY this past July 2010.

Furthermore, it is speculated that during this time through present day, Mr. Zarda has also owned/ co-owned and maintained his own business, Advanced Skin Fitness located at 2928 Oak Lawn Ave. in Dallas, Texas 75219 (<http://www.advancedskinfitness.com>).

Mr. Zarda resumed working for Altitude Express Inc. on May 15th, 2010 through June 21st, 2010 and was terminated for believed misconduct as we received complaints from customers stating Mr. Zarda shared inappropriate information with them regarding his personal life. This was not the first time that we had received complaints from paying customers regarding Mr. Zarda and unfortunately had to make the decision to let him go.

I hope this information had been of help, however if you have any further questions please do not hesitate to contact us at 631.208.3900.

Sincerely,



Lauren Callanan
Office Manager
Skydive Long Island
Calverton, NY

525 JAN WAY · CALVERTON, NY 11933