

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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**DONALD ZARDA,**

Plaintiff,

-against-

**ALTITUDE EXPRESS, INC.,  
dba Skydive Long Island, and RAY MAYNARD,**

Defendants.

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**NOTICE OF  
MOTION**

10-cv-04334-JFB

PLEASE TAKE NOTICE that pursuant to the applicable Federal Rules of Civil Procedure and of the United Eastern District of New York, and of the scheduling order dated February 21, 2012, on June 13, 2012 at 2 PM, plaintiff will move before the Honorable Joseph Bianco, United States District Judge, 100 Federal Plaza Central Islip, New York for the following orders:

1. Compelling Raymond Maynard to return for the remaining 2.5 hours of deposition time that plaintiff is entitled to, and, in that deposition, compelling Maynard to answer plaintiffs remaining questions in addition to the following, which were refused by Zabell:
  - a. Holding that Maynard's discussion with his attorney Harvey Arnoff about plaintiff has been waived, and permitting plaintiff full inquiry into said discussion; and
  - b. Compelling Maynard to provide the address of Santine Megneco; and
2. Striking defendants' boilerplate demands and compelling discovery of plaintiff's second combined demand; and

3. Precluding Saul Zabell from further soliciting the representation of employees of defendants, and disqualifying him from further representation of Lauren Callanan, a clerical employee of the defendant; and
4. Extending the discovery deadline until November 2012; and
5. Sanctioning Saul Zabell and/or the defendant under Rule 37, 28 U.S.C. § 1927 and the Court's inherent power for
  - a. Misrepresenting to me and to Court – under penalty of perjury – that that Rosanna Orellana and David Kengle, witnesses in this case, had given Zabell permission to accept subpoenas on their behalf; and
  - b. Interrupting Maynard's deposition and conferring with his client after I had asked a proper question but before it had been answered; and
  - c. Refusing to confer verbally with me under local rule Local Civil Rule 37.3 in advance of my making this motion; and
6. Such other relief as this Court may deem just and proper.

Dated: New York, New York  
March 21, 2012

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/s/  
GREGORY ANTOLLINO  
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