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May 14, 2012

VIA ELECTRONIC CASE FILING

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

Re: Zarda v. Altitude Express, Inc., et al.
Case No.: CV-10-4334 (JFB)(ARL)

Your Honor:

This firm is counsel to Defendants in the above-referenced action. We write in response to a specific issue raised in Plaintiff's Reply Memorandum in support of his pending motion for compel discovery and for sanctions [Document No.: 66].

Contained on page 8-9 of Plaintiff's reply, Mr. Antollino claims the undersigned committed an act of perjury in connection with my being authorized to accept service of subpoenas on behalf of two (2) non-party witnesses. In addition to making this serious allegation, counsel raises the specter of the matter being referred to the U.S. Attorney's office.

To the extent Your Honor would entertain the course of action recommended by Mr. Antollino, I respectfully request the two annexed affidavits be made part of the evidentiary record.

Counsel remains available should Your Honor require additional information regarding this submission.

Respectfully submitted,

ZABELL & ASSOCIATES, PC

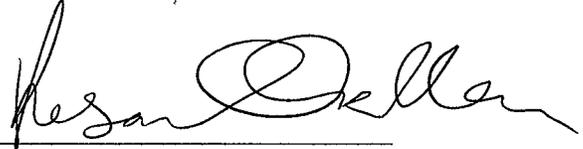
Saul D. Zabell

cc: Gregory Antollino, Esq. (via electronic case filing)

Encl

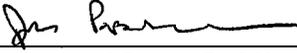
EXHIBIT A

8. Similarly, my failure to correct my errata sheet was in error.



ROSANA ORELLANA

Sworn to before me this
11 day of May 2012

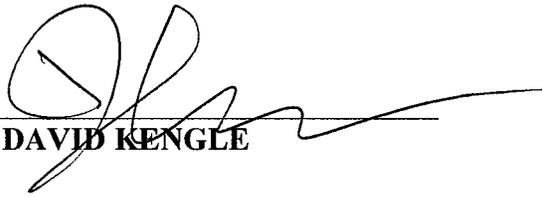


Notary Public

JOHN G PAPADOPOULOS
NOTARY PUBLIC-STATE OF NEW YORK
No. 02PA6255311
Qualified in Nassau County
My Commission Expires February 06, 2016

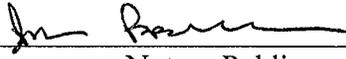
EXHIBIT B

8. Similarly, my failure to correct my errata sheet was in error.



DAVID KENGLE

Sworn to before me this
11 day of May 2012



Notary Public

JOHN G PAPADOPOULOS
NOTARY PUBLIC-STATE OF NEW YORK
No. 02PA6255311
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