

GREGORY ANTOLLINO

ATTORNEY AT LAW

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May 15, 2012

U.S. District Judge Joseph F. Bianco
Long Island Federal Courthouse
814 Federal Plaza
Central Islip, New York 11722

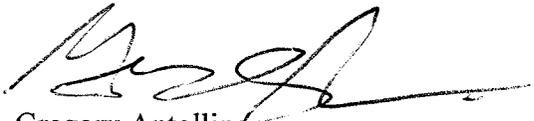
RE: Zarda v. Altitude Express, Inc. & Ray Maynard, 10 Civ 4334 (JFB)

Dear Judge Bianco:

I represent plaintiff in this action and following through on the correspondence in which Mr. Zabell got the non-party witnesses to swear that they were served through Mr. Zabell for their deposition, I have attached the following; (1) An email to Zabell, dated October 26, stating that I had served the subpoenas; (2) the actual subpoenas addressed to the witnesses; (3) my affidavit of service of the subpoenas.

If you believe this is something you'd rather not address, then that is your call – it's your court. I believe, however, that Mr. Zabell perjured himself by stating that he had obtained consent to be served with a subpoena in the spring; and suborned perjury by getting affidavits from the witnesses that he had accepted service of the subpoena for them in November, after the Court had ordered Mr. Zabell to give them my address. By that time I had no reason to rely on Mr. Zabell's purported authority.

Sincerely,



Gregory Antollino

Cc: Saul Zabell (via ecf)

Subject: Re: I need the witnesses names and addresses
Date: Wednesday, October 26, 2011 2:20 PM
From: Gregory Antollino <gregory10010@verizon.net>
To: "SZabell@laborlawsny.com" <SZabell@laborlawsny.com>

Mr. Zabell:

Attached are the amended subpoenas I served on the jumper witnesses for November 9. I still await an indication as to what happened to those checks that I sent to you in the spring. You must have either stuck them in your file or sent them to the witnesses to hold onto.

I still await those jumper releases, with the cover sheet attached, which I will need for the depositions.

As for additional depositions in December, I would propose two on December 7, 8 or 9 – a short one first, and then plaintiff. Back to back is preferable. Then three on the week of December 12, including your client. Again, back to back is preferable. You have advised me you are unavailable the 6th and 16th. Given that I propose:

December 7 PM Callanan
December 8 all day plaintiff

December 13 PM unknown witness PM
December 14 all day Maynard
December 15 AM unknown witness AM

Please advise me as to your position on these dates or times as soon as possible.

Gregory Antollino

On 10/24/11 4:17 PM, "SZabell@laborlawsny.com" <SZabell@laborlawsny.com> wrote:

No. I do not recall receiving it either. Because I had been ordered to turn over their contact information they withdrew my authority to accept service for them.

Saul D. ZabellZabell & Associates, PC4875 Sunrise HighwayBohemia,

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

AMENDED SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: ROSANNA ORELANA

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:

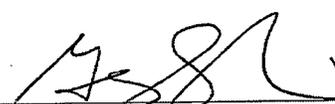
Place: BEE REPORTING, 800 Veterans Memorial Highway, Hauppauge, NY 11788	Date and Time: NOVEMBER 9, 2011 1:00 PM
---	--

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, SAUL ZABELL (OR ANY EMPLOYEES OF ZABELL AND ASSOCIATES) OR RAY MAYNARD .

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: 10/25/11
CLERK OF COURT

OR 
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) plaintiff
DONALD ZARDA, who issues or requests this subpoena, are:

Gregory Antollino, 18-20 WEST 21ST STREET, #802, NYC 10011 212 - 334-7397

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

AMENDED SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: DAVID KENGLE

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:

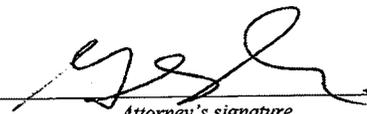
Place: BEE REPORTING, 800 Veterans Memorial Highway, Hauppauge, NY 11788	Date and Time: NOVEMBER 9, 2011 3:00 PM
---	--

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, SAUL ZABELL (OR ANY EMPLOYEES OF ZABELL AND ASSOCIATES) OR RAY MAYNARD.

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: 10/25/11
CLERK OF COURT

OR 
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) _____ plaintiff
DONALD ZARDA _____, who issues or requests this subpoena, are:

Gregory Antollino, 18-20 WEST 21ST STREET, #802, NYC 10011 212 - 334-7397

Civil Action No. 10-4334

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* David Kengle
was received by me on *(date)* 10/25/11.

I served the subpoena by delivering a copy to the named individual as follows: by mailing the subpoena
TO David Kengle at 9 Garfield Place East Northport, NY 11731
on *(date)* 10/25/11 ; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ 46.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: 10/25/11



Server's signature

Gregory Antollino
Printed name and title
18-20 West 21st Street
New York, NY 10010

Server's address

Additional information regarding attempted service, etc:

Civil Action No. 10-4334

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* Rosanna Orellana
was received by me on *(date)* 10/25/11.

I served the subpoena by delivering a copy to the named individual as follows: by mailing the subpoena
TO Rosana Orellana at 9 Garfield Place East Northport, NY 11731
on (date) 10/25/11 ; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ 46.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: 10/25/11



Server's signature

Gregory Antollino
Printed name and title
18-20 West 21st Street
New York, NY 10010

Server's address

Additional information regarding attempted service, etc:

Civil Action No. 10-4334

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* Rosanna Orellana
was received by me on *(date)* 10/25/11.

I served the subpoena by delivering a copy to the named individual as follows: by mailing the subpoena
TO David Kengle at 9 Garfield Place East Northport, NY 11731
on (date) 10/25/11 ; or

I returned the subpoena unexecuted because: _____

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tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ 46.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: 10/25/11



Server's signature

Gregory Antollino
Printed name and title
18-20 West 21st Street
New York, NY 10010

Server's address

Additional information regarding attempted service, etc: