

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DONALD ZARDA,

NOTICE OF
MOTION

Plaintiff,

-against-

10-cv-04334-JFB

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

Defendants.

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PLEASE TAKE NOTICE that pursuant to the applicable Federal Rules of Civil Procedure and of the United Eastern District of New York, plaintiff will move on such terms and at such time as the Court may order, but no sooner than Wednesday September 12, 2012 at 2:00 PM before the Honorable Joseph Bianco, United States District Judge, 100 Federal Plaza Central Islip, New York for the following orders:

1. Deeming the report of Kenji Yoshino admissible in further proceedings in this matter; and
2. Deeming the testimony of Kenji Yoshino, as relevant to said report, admissible in further proceedings in this matter; and
3. Directing defendants to pay for Mr. Yoshino's preparation time after Saul Zabell both notified me of a deposition subpoena he intended to serve on Mr. Yoshino then indicated an unwillingness to advance the deposition one day; and

