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September 10, 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:

We represent defendants in the above-referenced matter. We write in connection with plaintiff's reply memorandum of law filed in connection with his expert's report [ECF Document No.: 88]. In light of the memorandum's content, specifically that which falls outside of the scope of the current dispute; i.e., admissibility and payment of preparation fees, we respectfully submit permission to file a surreply. While cognizant of the traditional rule which prohibits such a filing, it is our position the proper adjudication of this dispute warrants we be granted permission to fully address Mr. Antollino's *ad hominem* arguments.

Should Your Honor see fit to grant this application, defendants are committed to filing the surreply on an immediate basis as not to interfere with other Court-Ordered deadlines or cause undue delay.



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We remain available should you have any further questions regarding this application.

Respectfully submitted,

ZABELL & ASSOCIATES, PC

Saul D. Zabell

cc: Gregory Antollino, Esq. (*via* ECF)