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A **Zabell & Associates, P.C.**
EMPLOYMENT COUNSELING, LITIGATION, LABOR & BENEFITS LAW

ZABELL & ASSOCIATES, P.C.
1 CORPORATE DRIVE
SUITE 103
BOHEMIA, NEW YORK 11716
TEL. 631-589-7242
FAX. 631-563-7475
www.Laborlawsny.com

November 7, 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 all Defendants in the above-referenced action. We write in opposition to Mr. Antollino's latest application [ECF Doc: 98]. Your Honor previously ordered an additional hour for Mr. Maynard's deposition. You Honor issued the order after lengthy submissions and oral argument. Mr. Antollino now seeks to re-argue your previous decision. Not only is this improper, but it demonstrates a manifest disregard for Your Honor's time and the Judicial resources Mr. Antollino shares with the rest of the Eastern District. It is worth noting that the only reason Mr. Antollino could provide me for seeking an additional hour beyond the hour ordered by Your Honor was that "Mr. Maynard only has a high school degree, he never graduated college." Mr. Antollino failed to mention any issue regarding Mr. Winstock or articulate any other basis for his request.

With regard to Mr. Antollino's further attempts to re-argue the motion seeking to exclude his "expert report," we rely on the arguments in our papers and those advanced at oral argument. Mr. Antollino fails to draw any corollary between expert testimony as to a particular measure of damages for lost profits for sales of handbags bearing the "Polo Sport" trademark and those contained within his "expert" report.



In addition to denying his applications, we respectfully request Your Honor further advise Mr. Antollino that his fondness for writing the court exceeds the bounds of appropriateness.

Respectfully submitted,

ZABELL & ASSOCIATES, PC



Paul D. Zabell
SDZ/KB

cc: Gregory Antollino, Esq. (via ECF)