

Counseling and Advising Clients Exclusively on Laws of the Workplace



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December 7, 2020

VIA ELECTRONIC CASE FILING

The Honorable Sandra J. Feuerstein
Senior United States District Court Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

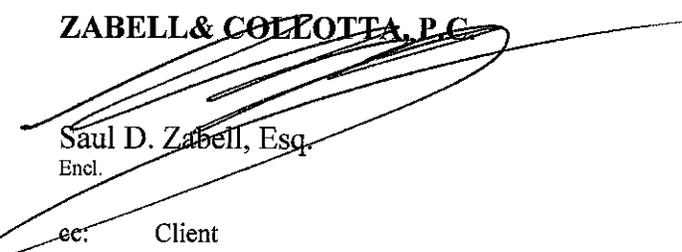
Re: Zarda v. Altitude Express, Inc., et al.
Case No.: CV-10-4334 (SJF)(ARL)

Your Honor:

We write in response to Mr. Antollino's request for clarification [ECF Doc. 275]. As was expressed in the parties' November 5, 2020 Joint letter to the court, Mr. Maynard, although continuing to appear in the caption, has been dismissed from this matter. "Mr. Maynard's involvement with the matter ended when a Jury concluded, after considering testimony that a female patron was subjected to sexually abusive behavior from Mr. Zarda, that Mr. Zarda was terminated for reasons other than workplace discrimination. The mere fact that Mr. Maynard's name remained in the caption is not, standing alone, a proper basis for claiming liability, joint several or otherwise." The remaining claims are plead as Title VII allegations solely against the now defunct corporate entity. Whereas Mr. Maynard remains a client of this firm, he does not remain a party to the above referenced litigation. As we confirmed during the court conference, should Mr. Maynard be served with a Complaint related to this litigation, in all likelihood, this firm would be engaged to represent him.

Respectfully submitted,

ZABELL & COLLOTTA, P.C.


Saul D. Zabell, Esq.
Encl.

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

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IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **OCT 21 2015** ★

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ESTATE OF DONALD ZARDA, :
 :
 Plaintiff, :
 :
 - against - :
 :
 ALTITUDE EXPRESS INC., d/b/a SKYDIVE :
 LONG ISLAND AND RAYMOND MAYNARD. :
 :
 Defendants. :
 :
-----X

10-CV-04334 (JFB) (ARL)

PART I. LIABILITY

1. Did plaintiff prove, by a preponderance of the evidence, that Donald Zarda's sexual orientation was a determining factor in the termination of his employment at Altitude Express Inc., d/b/a Skydive Long Island in 2010?

Yes _____ No

[If you answered "No" as to Question 1, then leave all the remaining questions blank, sign and date this verdict sheet, and inform the Courtroom Deputy that your deliberations are complete and that you have reached a verdict. Otherwise, proceed to Damages.]

PART II. DAMAGES

Lost Wages

2. State the amount, if any, that you award the plaintiff for lost wages (if you decide not to make an award as to this item, insert the word "None");

\$ _____

COURT EXHIBIT
3

Emotional Damages

3. State the amount, if any, that you award the plaintiff for emotional damages (if you decide not to make an award as to this item, insert the word "None"):

\$ _____

Please sign and date the verdict sheet, and inform the Courtroom Deputy that your deliberations are complete and that you have reached a verdict.

Foreperson

Thomas Murphy

Dated: Central Islip, New York
October 21, 2015

3:30 PM