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January 25, 2021

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

RE: Zarda v. Altitude Express (Raymond Maynard, Alter Ego), 10-cv-4334 (SJF) (AYS)

Dear Judge Feuerstein:

Forgive me for not raising this issue this morning that should not change any plans. I contacted Mr. Zabell after this morning's conference to clarify the ambit of his motion, and whether it would include an argument as to the costs awarded by the Circuit and Supreme Court. Raymond Maynard (the individual) was a party to the en banc and at the Supreme Court; costs are awarded for these plaintiffs on both appeals. The issue of Maynard's liability is not a question of fact, but of law; it's an either-or situation. As such, plaintiffs intend to cross-move for partial summary judgment on Maynard's liability for the costs only.

Your rules do not require a pre-motion conference, so this is for clarification. Since you referred the matter for report and recommendation, I will send a copy of this letter to Magistrate Shields. Thank you and let me to know if there is a complication.

Sincerely,

*Greg S. Antollino*

Gregory Antollino, Esq.

Cc: Magistrate Judge Anne Y. Shields  
Saul Zabell