

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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**DECLARATION OF  
GREGORY ANTOLLINO**

**DONALD ZARDA,**

Plaintiff,

01 Civ 4334 (JFB)

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

Defendants.

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GREGORY ANTOLLINO, an attorney admitted to the courts in this state and judicial district, does hereby affirm under penalty of perjury as follows:

1. Attached as "Exhibit A" is the complete of waiver-agreement between Altitude Express Inc, DBA Skydive Long Island and Rosana Oreallana. This document was produced by the defendants.
2. Attached as "Exhibit B" are copies of different videos as if follows: (1) Orellana's video of the jump on June, 18, 2010; (2) Kengle's video of the jump on June, 28, 2010; (3) Safety videos from Maynard's deposition and (4) photographs of the Kengle/Orellana Jump. These were not uploaded, and (3) is deemed confidential. See envelope attached to courtesy copy.
3. Attached as "Exhibit C" is the First page of the waiver-agreement between Altitude Express Inc, DBA Skydive Long Island and David Kengle, signed on June 18. This document was produced by the defendants and indicates Kengle is unemployed.
4. Attached as "Exhibit D" is the subpoena sent to Lauren Callanan which commands to the production of any and all correspondence (including by not limited to e-mail, letter, fax, cable, fedex) from Altitude Express or Ray Maynard communicating to employee of

- altitude express concerning Donald Zarda, concerning his law suit, as well as any communication with Rosanna Orellana, or David Kengle and any documentation of “complaints from paying customers” referenced in the attached letter. This document was previously marked as “Exhibit 1,” at the Lauren Callanan Deposition.
5. Attached as “Exhibit E” is an advertisement from Skydive Long Island stating to hire for several positions in Calverton, NY posted on October 21, 2012.
  6. Attached as “Exhibit F” are two customer’s complaints against SDLI. (1) the online review by Kevin W, a customer of Skydive Long Island. The review is dated on October 26, 2010 and states “Customer Service Does No Exist Here!!!” (2) The online review by Anthony F, a customer of Skydive Long Island. On July, 11, 2011, Anthony F writes five negative points regarding his experience with Skydive Long Island.
  7. Attached as “Exhibit G” is a picture from SDLI’s Facebook page. The picture shows Don Zarda and “Eddie” in extreme close proximity.
  8. Attached as “Exhibit H” is a Picture from SDLI’s Facebook page. The picture shows Mr. Winstock walking topless wearing a towel and a hat.
  9. Attached as “Exhibit I” is a Picture from SDLI’s Facebook page. The picture shows Mr. Maynard and his girlfriend Barbara and a rant about his ex-wife follows which Maynard at his deposition described as “personal information.”
  10. Attached as “Exhibit J” is an a-mail correspondence between Mr. Zarda and Mr. Winstock. Mr. Winstock writes on June, 25, 2010, “I already advocated for you with him, strongly.” This documented was previously marked as plaintiff’s Exhibit 6, Winstock Deposition.

11. Attached as “Exhibit K” is a complaint Review from the “Ripoff Report” by a person identified as Ronkonkoma. The Report is identified with the number 514269 and was submitted on October 24, 2009. Ronkonkoma writes, “Once in the Plane the tandem instructor was feeling up my girl friend and her friend as well. The girls explained once the parachute opened they were touching their breasts and it was not a good feeling as they could not protect themselves.” The report contains six replies. The reply by Ray – Drop zone owner was written on November 5, 2009 in which he asks why they didn’t say anything or call the police. This document was previously marked as Exhibit R-32, Maynard Deposition, and he attested to its authenticity.
12. Attached as “Exhibit L” is a picture from SDLI’s Facebook page. The picture shows SDLI’s instructor resting his head on the passenger. The instructor places his hands as if pretending to take a nap on his passenger. The document was previously marked as Exhibit R-30, Maynard Deposition.
13. Attached as “Exhibit M” is an announcement written by “milehighpres” stating “Skydive Long Island Get Laid Luau!!!” and refers to “Pulling your Pork.” The announcement is dated on August 1, 2007 and the author is identified as Jordan Miles. The document was previously marked as Exhibit R-33, Maynard Deposition.
14. Attached as “Exhibit N” is the defendant’s Rule 26 disclosure statement listing persons with pertinent information respecting claims defenses, and damages including Brbara Ann Schiano, Maynard’s girlfriend. The documents list emails to and from Schiano to Maynard as discoverable documents.
15. Attached as “Exhibit O” is a certification written by Lauren Callanan, Office Manager of Skydive Long Island. The document is dated on October 1, 2010, and fails to mention

any inappropriate touching on the part of Zarda. This document was produced by the Department of Labor.

16. Attached as “Exhibit P” is a document entitled Misconduct/ Discharge Summary Sheet, Claimant Donald Zarda. The document states, “The employer did not respond to a reasonable attempt to gather facts. They state the claimant was discharge for sharing personal information with customers resulting in complaints. The claimant admits no wrongdoing and believes he was wrongfully terminated. There remains no evidence of deliberate misconduct.” Document states N/A for a rebuttal offered by employer. This document was produced by the Department of Labor.
17. Attached as “Exhibit Q” is the asset information regarding the unemployed waiter David Kengle obtained legally through TLO.com revealing that (1) Mr. Kengle rents or lives freely in a \$150,000 home in Garfield, NY; (2) Mr. Kengle drove a 1988 vehicle as recently as 2006 and; Mr. Kengle now leases a 2003 Jeep Cherokee. He admitted being an unemployed waiter at his deposition.
18. Attached as “Exhibit R” are various correspondences relevant to the lawsuit that I was ordered to produce to the court. The document shows comments by Mark Markovich and Joanne Maynard. Mrs. Maynard states refereeing to Ray Maynard, “He hated your sexual preference.” (October 28, 2010) and she adds “...at other times other customers have complained about tandem masters behavior but those people were not fired.”(October 31, 2010) Mr. Mrokovich writes as it follows: (1) May 24, 2010, “Brett stop being gay your supposed to sent that to don”; (2) Mary 19, 2010, “don didnt jump cuz hes a pussy hahaha”; (3) May 16, 2010, “GAYYYYYYYYYYYY”; (4) April 12, 2010, “u got it gay boy”; (5) April 5, 2010, “do it pussssssy”; (6) April 5 2010, “fly gay boy flyyyyyy

- hahaha”; (7) March 27, 2010 “GAYYYYYYYY”; (8) January 20, 2010, “Nope not gay!!!thats pretty gay guys!!!”; (9) January 3, 2010, “gay hahaha”; (10) November 3, 2009, “gay”; (11) May 11, 2010, “Fucken rednecks...i heard they dont like gays out there...hurry and get outa the state!!”; (12) September 2, 2010, “stop being a vagina and take the cast off now” and; (13) August 15, 2009, “Don your a weirdo”.
19. Attached as “Exhibit S” is page 4 of the Stigma Tandem System Owner’s Manual. The page has for title, Student Hardness Adjustment Guide. The document describes how to adjustment the harness in different points of the passenger such as, shoulders, chest, belt around the hips, hip junctions and legs. This document was recognized by Mr. Maynard at his deposition.
20. Attached as “Exhibit T” is page of the Tandem Vector 2 Owner’s Manual that shows images and procedures to install the handle on the student harness. This document was recognized by Mr. Maynard at his deposition.
21. Attached as “Exhibit U” are messages from SDLI’s Facebook page in which Mr. Maynard makes comments about his ex-wife. The document is undated but the messages show dates of June 28 and June 29. This Document was previously marked as Plaintiff’s Exhibit 5, Maynard’s Deposition.
22. Attached as “Exhibit V” is a map of Skydive Long Island’s surrounding area.
23. Attached as “Exhibit W” is a spoliation letter from Saul D. Zabell written on December 16, 10 sent to Mr. Gregory Antollino and the response from Gregory Antollino dated on April 7, 2013.
24. Attached as “Exhibit X” is an advertisement from “Human Right Campaign” T-shirt entitled “Legalize Gay.”

25. Attached as “Exhibit Y” is a message from SDLI’s Facebook page in which Mr. Maynard calls to celebrate Veterans Day on November 11. The page does not have year but it shows the date of November 11.
26. Attached as “Exhibit Z” is the defendant’s Response to plaintiff’s second combined discovery demands.
27. There is no reason to reattach depositions that the defendant has already uploaded:

Zabell Dec. 11 Zarda  
Zabell Dec. 12 Maynard  
Zabell Dec. 13 Winstock  
Zabell Dec. 14 Callanan  
Zabell Dec. 15 Kengle  
Zabell Dec. 16 Orellana

We incorporate these within our opposition and motion.

Dated: New York, New York  
April 8, 2013

\_\_\_\_\_/s/  
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