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September 23, 2015

U.S. District Judge Joseph F. Bianco  
Long Island Federal Courthouse  
814 Federal Plaza  
Central Islip, New York 11722

RE: Zarda v. Altitude Express, Inc. & Ray Maynard, 10 Civ 4334 (JFB)

Dear Judge Bianco:

As you know, I care very much about this case: not just the outcome, but the plaintiff's procedural rights. Yesterday, while the motion to reinstate the Title VII claim is pending, and weeks before trial, Mr. Zabell dropped a bomb that Mr. Maynard had suffered a stroke. He promised more information *as soon as he knew*. Today I called Mr. Zabell's office for more information and the attorney or receptionist I spoke to did not even know who Mr. Maynard is. Mr. Zabell was on holiday, and I was told I would not hear from him until Friday.

This news is so extreme, I would hate to think Mr. Zabell would make the representation and it not be true. On the other hand, why did he not update us today? He should know more by now. Yom Kippur is not about avoiding work, but about confession of wrongdoing in an affirmative manner. Mr. Zabell could have acted within the meaning of the holiday by calling his office or the court or me, because we know that if indeed there was a stroke, he will ask for another adjournment. This will be prejudicial to the plaintiffs who want to honor the memory of Don Zarda, and who live in different parts of the country, and have to plan to come to New York. It's also an inconvenience to me and to Rich Cardinale, who just before the letter was filed were preparing for trial. Obviously, it is prejudicial to the Court as well.

I therefore ask for a Friday tele-conference, if the Court is available, to ascertain Mr. Maynard's status, documentation thereof, and any applications Mr. Zabell intends to make.

Sincerely,

/s/

Gregory Antollino

Cc: Saul Zabell