

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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 :  
 DONALD ZARDA, :  
 :  
 Plaintiff, :  
 :  
 – against – :  
 :  
 ALTITUDE EXPRESS, INC., et al. :  
 :  
 Defendants. :  
 :  
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ORDER  
10-CV-4334 (JFB)(ARL)

JOSEPH F. BIANCO, District Judge:

For the reasons set forth on the record during the telephone conference on March 28, 2014, IT IS HEREBY ORDERED that:

(1) Defendants’ motion for summary judgment (*see* Docket No. 109) is granted in part and denied in part. Specifically, the motion is denied with respect to the sexual orientation discrimination claim based on his termination under New York State law, and the minimum wage claim under New York State law. The motion is granted as to the gender stereotype discrimination, hostile work environment, and overtime claims.

(2) Plaintiff’s motion for partial summary judgment (Docket No. 132) is denied in its entirety.

(3) Defendants’ motion to strike a portion of plaintiff’s reply memorandum (Docket No. 139) is denied.

(4) Plaintiff shall submit his Second Amended Complaint, including the amount-in-controversy allegation, by March 31, 2014. Defendants’ motion to dismiss, if any, shall be filed by April 15, 2014. Plaintiff’s opposition shall be due by April 25. Defendants’ reply shall be due by May 2.

(5) The parties shall submit a joint pretrial order by June 2, 2014.

SO ORDERED.

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JOSEPH F. BIANCO  
UNITED STATES DISTRICT JUDGE

Dated: March 28, 2014  
Central Islip, NY