

Ty Hyderally !□

LAW OFFICES OF
TY HYDERALLY, PC
ATTORNEYS AT LAW
96 PARK STREET
MONTCLAIR, NEW JERSEY 07042
(973) 509-0050
FAX (973) 509-2003

115 E. 57th Street
New York, NY 10022
(646) 435-9450

Of Counsel

Ronald J. Wronko, Esq. ! "

Member of New Jersey Bar !
Member of New York Bar "

Employment Law Chair □

Reply to Montclair

Writer's Ext. 118

tyh@employmentlit.com

September 10, 2013

VIA DELIVERY BY DEFENDANTS

Clerk, United States District Court
M.L. King, Jr. Federal Building and
U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: Bill Balram v. Pacific Rail Services, et al.
Civil Action No.:03-CV-6054 (JAG)
Our File No.: 1279

Dear Sir or Madam:

Please be advised that we represent the plaintiff, Bill Balram ("plaintiff") in the above referenced matter. Please be so kind as to accept plaintiff's letter reply and sur-reply brief in lieu of a more formal motion in support of plaintiff's affirmative cross motion for summary judgment and in opposition to defendants' motion for summary judgment.

REPLY BRIEF IN SUPPORT OF SUMMARY JUDGMENT

Defendants' response brief is an exercise in doublespeak. Defendant's initial brief stands for the proposition that the Court should grant summary judgment due to the Tribunal's decision. However, the Tribunal's decision was clearly stated that defendant did not commit misconduct. It is quite clear that the Tribunal saw through defendants' illegal actions and ascertained that there was no valid reason for terminating plaintiff. Thus, for the same reasons set forth in defendants' initial brief, we respectfully request that the Court grant summary judgment in favor of Plaintiff.

LAW OFFICES OF TY HYDERALLY, PC

Clerk, United States District Court
September 10, 2013
Page 2

SUR-REPLY TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Plaintiff appends his supplemental certification to clarify what is already stated in the Statement of Material and Disputed Facts. (Exhibit "1") The Appeal Tribunal never decided the issue of worker's compensation retaliation as the issue was never presented to this Tribunal. Thus, defendants' amended motion for summary judgment is barren of any basis as the issue was never presented to the Appeal Tribunal.

Respectfully submitted,

LAW OFFICES OF TY HYDERALLY, PC
Ty Hyderally, Esq. (TH 6035)
Attorneys for Plaintiff

Encl.

cc: Paul Castronovo, Esq. (via regular mail w/ Encl.)
The Honorable G. Donald Haneke, U.S.M.J. (for service by defendants w/ Encl.)