

MEMO ENDORSED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

EDVIN RUSIS, HENRY GERRITS,
PHIL MCGONEGAL, DAVID HO
ENG, BRIAN HAUPT, PHILIP
MONSON, CLAUDIA ZIEGLER,
SALLY GEHRING, and JOHN MASON,
individually and on behalf of all other
similarly situated individuals,

Plaintiffs,

v.

INTERNATIONAL BUSINESS
MACHINES CORP.

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/9/21

Civil Action No. 1:18-cv-08434

UNOPPOSED MOTION FOR SUBSTITUTION OF PARTY

Plaintiffs filed a Suggestion of Death on September 15, 2021 (Dkt. 189) informing the court of the death of Opt-in Plaintiff Peter Kondis. Pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs now move for John Kondis, personal representative of the Estate of Peter Kondis, to be substituted in place of Peter Kondis as Opt-In Plaintiff in this action. Permitting this substitution will allow decedent's estate to continue to pursue his claim in this matter. The Death Certificate of Peter Kondis is attached as Exhibit A. John Kondis has been appointed personal representative of the Estate of Peter Kondis with full power to administer the estate according to law, as evidenced by the Letter of Administration attached as Exhibit B.

DATED: October 8, 2021

Respectfully Submitted,

EDVIN RUSIS, HENRY GERRITS, PHIL MCGONEGAL, DAVID HO ENG, BRIAN HAUPT, PHILIP MONSON, CLAUDIA ZIEGLER, SALLY GEHRING, and JOHN MASON, on behalf of themselves and all others similarly situated,

By their attorneys,

/s/ Shannon Liss-Riordan

Shannon Liss-Riordan (NY Bar No. 2971927)
Thomas Fowler, *pro hac vice*
Zachary Rubin (NY Bar No. 5442025)
LICHTEN & LISS-RIORDAN, P.C.
729 Boylston Street, Suite 2000
Boston, MA 02116
(617) 994-5800
Email: sliss@lrlaw.com, tfowler@lrlaw.com,
zrubin@lrlaw.com

Application GRANTED.

SO ORDERED.


10/9/21

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Shannon Liss-Riordan, hereby certify that a true and accurate copy of the foregoing document was served on all counsel of record for Defendant in this matter via CM/ECF on October 8, 2021.

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan

BUREAU of VITAL STATISTICS

CERTIFICATION OF DEATH

STATE FILE NUMBER: 2021006718

DATE ISSUED: FEBRUARY 1, 2021

DECEDENT INFORMATION

DATE FILED: JANUARY 15, 2021

NAME: PETER KONDIS

DATE OF DEATH: JANUARY 1, 2021

SEX: MALE

AGE: 074 YEARS

DATE OF BIRTH: NOVEMBER 6, 1946

SSN: ***-**-2420

BIRTHPLACE: STOMION, OLYMPIA, GREECE

PLACE WHERE DEATH OCCURRED: DECEDENT'S HOME

FACILITY NAME OR STREET ADDRESS: 4326 CLAIRIDGE WAY

LOCATION OF DEATH: PALM HARBOR, PINELLAS COUNTY, 34685

RESIDENCE: 4326 CLAIRIDGE WAY, PALM HARBOR, FLORIDA 34685, UNITED STATES

COUNTY: PINELLAS

OCCUPATION, INDUSTRY: AEROSPACE ENGINEERING MANAGEMENT, AEROSPACE AND DEFENSE

EDUCATION: DOCTORATE OR PROFESSIONAL DEGREE EVER IN U.S. ARMED FORCES? NO

HISPANIC OR HAITIAN ORIGIN? NO, NOT OF HISPANIC/HAITIAN ORIGIN

RACE: WHITE

SURVIVING SPOUSE / PARENT NAME INFORMATION

(NAME PRIOR TO FIRST MARRIAGE, IF APPLICABLE)

MARITAL STATUS: MARRIED

SURVIVING SPOUSE NAME: BRENDA A MCCALLEA

FATHER'S/PARENT'S NAME: JOHN KONDIS

MOTHER'S/PARENT'S NAME: ANGELA MANOUSOPOULOS

INFORMANT, FUNERAL FACILITY AND PLACE OF DISPOSITION INFORMATION

INFORMANT'S NAME: JOHN PETER KONDIS

RELATIONSHIP TO DECEDENT: SON

INFORMANT'S ADDRESS: 21 WHISTLING ISLE, IRVINE, CALIFORNIA 92614, UNITED STATES

FUNERAL DIRECTOR/LICENSE NUMBER: LEANA FAUSTINO, F323940

FUNERAL FACILITY: ALIFETRIBUTE FUNERAL CARE - LARGO F201713

716 SEMINOLE BLVD, LARGO, FLORIDA 33770

METHOD OF DISPOSITION: BURIAL

PLACE OF DISPOSITION: CURLEW HILLS CEMETERY
PALM HARBOR, FLORIDA

CERTIFIER INFORMATION

TYPE OF CERTIFIER: CERTIFYING PHYSICIAN

MEDICAL EXAMINER CASE NUMBER: NOT APPLICABLE

TIME OF DEATH (24 HOUR): 2010

DATE CERTIFIED: JANUARY 6, 2021

CERTIFIER'S NAME: ROBERT KASZUBA

CERTIFIER'S LICENSE NUMBER: ME73918

NAME OF ATTENDING PHYSICIAN (IF OTHER THAN CERTIFIER): NOT ENTERED

The first five digits of the decedent's Social Security Number has been redacted pursuant to §119.071(5), Florida Statutes.

Ken Jones

, STATE REGISTRAR

REQ: 2022336509

THE ABOVE SIGNATURE CERTIFIES THAT THIS IS A TRUE AND CORRECT COPY OF THE OFFICIAL RECORD ON FILE IN THIS OFFICE.

WARNING:

THIS DOCUMENT IS PRINTED OR PHOTOCOPIED ON SECURITY PAPER WITH WATERMARKS OF THE GREAT SEAL OF THE STATE OF FLORIDA. DO NOT ACCEPT WITHOUT VERIFYING THE PRESENCE OF THE WATERMARKS. THE DOCUMENT FACE CONTAINS A MULTICOLORED BACKGROUND, GOLD EMBOSSED SEAL, AND THERMOCHROMIC FL. THE BACK CONTAINS SPECIAL LINES WITH TEXT. THE DOCUMENT WILL NOT PRODUCE A COLOR COPY.



* 4 1 9 3 6 0 8 1 *

DH FORM 1946 (03-13)

CERTIFICATION OF VITAL RECORD



VOID IF ALTERED OR ERASED

VOID IF ALTERED OR ERASED



Filing # 125546682 E-Filed 04/25/2021 11:09:47 AM

FILED 05/05/2021 08:49:31 KEN BURKE, CLERK OF THE CIRCUIT COURT AND COMPTROLLER, PINELLAS COUNTY FLORIDA

**IN THE CIRCUIT COURT FOR PINELLAS COUNTY,
FLORIDA PROBATE DIVISION**

IN RE: ESTATE OF

File No. 2021-CP-1865

PETER KONDIS

Division

Deceased.

**LETTERS OF ADMINISTRATION
(single personal representative)**

TO ALL WHOM IT MAY CONCERN

WHEREAS, PETER KONDIS, a resident of Pinellas County, Florida, died on January 1, 2021, owning assets in the State of Florida, and

WHEREAS, JOHN KONDIS has been appointed personal representative of the estate of the decedent and has performed all acts prerequisite to issuance of Letters of Administration in the estate,

NOW, THEREFORE, I, the undersigned circuit judge, declare JOHN KONDIS duly qualified under the laws of the State of Florida to act as personal representative of the estate of PETER KONDIS, deceased, with full power to administer the estate according to law; to ask, demand, sue for, recover and receive the property of the decedent; to pay the debts of the decedent as far as the assets of the estate will permit and the law directs; and to make distribution of the estate according to law.

ORDERED on _____, 2021. 05/03/2021 03:34:55 PM

[Signature]
Panel A.M. Campbell, Circuit Judge
05/03/2021 15:34:55 022011CP001185XXXX

Circuit Judge

STATE OF FLORIDA, PINELLAS COUNTY
I hereby certify that the foregoing is a true photostatic copy as the same appears among the files and records of this court and the same is in full force and effect.



This 3rd day of Sept, 2021

KEN BURKE
Clerk of Circuit Court

BY: *[Signature]*
Deputy Clerk

**IN THE CIRCUIT COURT FOR PINELLAS COUNTY,
FLORIDA PROBATE DIVISION**

IN RE: ESTATE OF

PETER KONDIS

Deceased.

File.No. 2021-CP-1865-ES

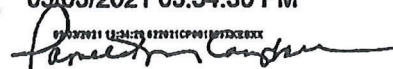
Division

**ORDER APPOINTING PERSONAL REPRESENTATIVE
(intestate -- single)**

On the petition of JOHN KONDIS for administration of the estate of PETER KONDIS, deceased, the court finding that the decedent died on January 1, 2021, and that JOHN KONDIS is entitled to appointment as personal representative by reason of he is the son of the decedent and was nominated by the majority of the heirs, and is qualified to be personal representative, it is

ADJUDGED that JOHN KONDIS is appointed personal representative of the estate of the decedent, and that upon taking the prescribed oath, filing designation and acceptance of resident agent, and filing bond in the sum of \$50,000.00, letters of administration shall be issued.

ORDERED on _____, 2021. 05/03/2021 03:34:30 PM



Pamela A.M. Campbell, Circuit Judge
0503/2021 10:34:10 022021CP001005XXE00X

Circuit Judge