

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

MDL No. 2859

ZIMMER M/L TAPER HIP PROSTHESIS OR M/L TAPER
HIP PROSTHESIS WITH KINECTIV TECHNOLOGY AND
VERSYS FEMORAL HEAD PRODUCTS LIABILITY
LITIGATION

18-MD-2859 (PAC)
18-MC-2859 (PAC)

**Individual Case No.
1:19-cv-03902 (PAC)**

This Document Relates to:

*Carol L. Balewski & Leonard Balewski v. Zimmer, Inc., Zimmer US,
Inc., Zimmer Biomet Holdings, Inc. f/k/a Zimmer Holdings, Inc.*

12/6/2021

[Handwritten signatures and initials]

**PLAINTIFFS' MOTION FOR SUBSTITUTION OF PARTY AND
LEAVE TO FILE AN AMENDED COMPLAINT**

1. This case was filed on May 1, 2019 with the above caption. Subsequently, Carol L. Balewski passed away on October 18, 2020. A Suggestion of Death has been filed.

2. Leonard Balewski is the Executor of the Estate of Carol L. Balewski, and wishes to substitute as true party in interest herein in his own stead, on behalf of the Estate, and on behalf of the statutory beneficiaries pursuant to Fed.R.Civ.P.25(a).

Plaintiffs respectfully request the Court approve the substitution of party and request leave to file an Amended Short Form Complaint to reflect the case style changes. Defendant has been consulted and does not oppose this motion. Plaintiffs' counsel has obtained consent of the court to file this without the need for a pre-motion conference. Thus, Plaintiffs respectfully request leave to file an Amended Complaint, with the proposed Amended Complaint annexed hereto (Exhibit A).