

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE**

SUSAN SZUCS, ANTHONY PARRIZZI,
TERRENCE ERNEST GIDNEY, CHRISTINA
CHURCH, JIMMIE HARDAWAY, JR.,
SHARON SIEGLE, PAUL PASCUCCI,
JAMES MARCISZEWSKI, and SHANNON
ALLGRIM, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

EXCELSIOR ORTHOPAEDICS, LLP, and
BUFFALO SURGERY CENTER, LLP,

Defendants.

Index No. 812753/2024

CLASS ACTION

**NOTICE OF MOTION AND PLAINTIFFS' UNOPPOSED MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE, that upon (i) the accompanying Memorandum of Law in Support of Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement; (ii) the accompanying Declaration of Cameron R. Azari; (iii) the proposed Final Approval Order; (iv) the separate proposed Final Judgment submitted herewith; (v) all the prior pleadings and proceedings heretofore and herein; and (vi) any other materials the Court wishes to consider, the undersigned will move this Court at the Final Approval Hearing, to be conducted in person on July 2, 2026 at 9:30 a.m. (or as soon thereafter as counsel may be heard), at the Supreme Court of New York, County of Erie, located at 92 Franklin Street, Old Erie County Hall, Buffalo, NY 14202, in Part 5 – Third Floor, and also via videoconferencing (i.e., Teams), to enter the Final Approval Order: (i) granting final approval to the proposed class action Settlement; (ii) certifying the proposed Settlement Class; (iii) finding that Notice has been conducted in accordance with the Preliminary

Approval Order, the Court-approved Notice Plan, and due process; (iv) granting Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards (Dkt. Nos. 113-18); (v) entering the proposed Final Approval Order; and (vi) dismissing with prejudice Plaintiffs' and Settlement Class Members' claims against Defendants relating to the Incident.

Dated: May 29, 2026

Respectfully submitted,

/s/ Andrew W. Ferich

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**Pro Hac Vice*

Class Counsel

CERTIFICATE OF SERVICE

The undersigned certifies that on May 29, 2026, a true and correct copy of the **Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement**, together with all related supporting documents, was filed with the Clerk of Court using the Court's electronic filing system, which will send notifications of such filing to all counsel of record.

The undersigned hereby also certifies that on the 29th day of May, 2026, a true and correct copy of the foregoing was provided to the Settlement Administrator for publication on the Settlement Website in accordance with the Settlement Agreement and the Court's Preliminary Approval Order.

/s/ Andrew W. Ferich
Andrew W. Ferich*