

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>IN RE:</b>	:	<b>Case No. 01-CV-9000</b>
	:	
<b>SULZER HIP PROSTHESIS AND KNEE PROSTHESIS PRODUCT LIABILITY LITIGATION</b>	:	<b>MDL Docket No.: 1401</b>
	:	
	:	<b>Judge Kathleen M. O'Malley</b>
	:	
<b>This Document Relates to All Cases</b>	:	

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**SEVENTH AMENDMENT TO CLASS ACTION SETTLEMENT AGREEMENT**

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**It is hereby stipulated and agreed between the parties to the Class Action Settlement Agreement dated March 13, 2002 (“Settlement Agreement”) and the Claims Administrator that the Settlement Agreement shall be amended as follows:**

- 1. Section 3.4(b)(x) is deleted in its entirety and replaced with the following:  
“(x) approximately 81% or \$130,000.00 shall be payable in cash (less any amounts paid to such Class member pursuant to Article 8, if applicable) by the date that is the later of the 45<sup>th</sup> day following the Funding Date and the 45<sup>th</sup> day following the date the Claims Administrator makes a Final Determination with respect to such Class Member (or if such Final Determination is appealed in accordance with Section 4.6, the date on which**

**all such appeals are exhausted) and”**

- 2. Section 3.4(b)(y) is deleted in its entirety and replaced with the following:**

**“(y) the remainder of the APRS benefit shall be payable in cash no later than the date that is the later of the 45<sup>th</sup> day following the date the Claims Administrator makes a Final Determination with respect to such Class Member (or if such Final Determination is appealed in accordance with Section 4.6, the date on which all such appeals are exhausted), and the 45<sup>th</sup> day following the date on which the Claims Administrator, together with Class Counsel, can make a reasonable estimate of the total number of APRS claims to be submitted, but in no event later than the 45<sup>th</sup> day following May 15, 2004.)”**

- 3. Section 3.4(c)(x) is deleted in its entirety and replaced with the following:**

**“(x) approximately 81% or \$130,000.00 shall be payable in cash (less any amounts paid to such Class member pursuant to Article 8, if applicable) by the date that is the later of the 45<sup>th</sup> day following the Funding Date and the 45<sup>th</sup> day following the date the Claims Administrator makes a Final Determination with respect to such Class Member (or if such Final Determination is appealed in accordance with Section 4.6, the date on which all such appeals are exhausted) and”**

- 4. Section 3.4(c)(y) is deleted in its entirety and replaced with the following:**

**“(y) the remainder of the APRS benefit shall be payable in cash no later than the date that is the later of the 45<sup>th</sup> day following the date the Claims Administrator makes a Final Determination with respect to such Class Member (or if such Final Determination is appealed in accordance with Section 4.6, the date on which all such appeals are exhausted), and the 45<sup>th</sup> day following the date on which the Claims Administrator, together with Class Counsel, can make a reasonable estimate of the total number of APRS claims to be submitted, but in no event later than the 45<sup>th</sup> day following May 15, 2004.)”**

5. Section 4.6(c) is amended to add the following:

“provided, however, that with respect to a claim for EIF Benefits that the Claims Administrator deems to be complete on or before April 1, 2003, the Claims Administrator shall issue such a preliminary determination no later than July 1, 2003.

The Settlement Agreement shall remain the same in all other respects.

IN WITNESS WHEREOF, the Parties, through their counsel, have duly executed this Seventh Amendment to Class Action Settlement Agreement dated as of March 13, 2002 on this \_\_\_\_\_ day of November, 2002.

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