

SULZER SETTLEMENT TRUST CLAIMS ADMINISTRATOR PROCEDURE			
CAP No.	4	Effective Date	April 29, 2002
SUBJECT	Proof that an Affected Product Revision Surgery is for a Reason Other Than Trauma		

1. **Purpose.** The Class Action Settlement Agreement in *In re Sulzer Hip Prosthesis and Knee Prosthesis Product Liability Litigation* (“Settlement Agreement”) defines Affected Product Revision Surgery “APRS” as “surgical removal and/or replacement of an Affected Product for reason other than trauma.” [SA §1.1(g)]. The Settlement Agreement provides that, “In addition to the Orange Form, the Class Member must provide ... (iii) a completed ‘Physician Declaration,’ wherein the physician verifies that the Class Member has undergone an APRS for reasons other than trauma or medical records evidencing the same.” [SA, §4.2(b)] This CAP clarifies the process for reviewing medical records to determine the absence of trauma as a reason for an APRS.

2. **Satisfactory Proof through Medical Records.** A Class Member whose medical records specifically recite that the reason for his/her Revision Surgery is for some reason other than trauma shall be deemed to have provided satisfactory proof that trauma was not the reason for the surgery. A Class Member whose medical records do not provide any reason for his/her Revision Surgery, but whose records, in the judgment of the Claims Administrator, demonstrate that the reason for the surgery was not trauma, shall be deemed to have provided satisfactory proof that trauma was not the reason for the surgery. If a Class Member provides satisfactory proof, as described in this paragraph, that the reason for his/her Revision Surgery was not trauma, he/she shall not be required to submit a Physician Declaration in support of his/her claim that the reason for the Revision Surgery was not trauma.

3. **Satisfactory Proof through a Physician Declaration.** When, in the Claims Administrator’s judgment, the medical records submitted by a Class Member in support of his/her Claim for APRS Fund benefits do not satisfactorily exclude the possibility that trauma was the reason for the Class Member’s Revision Surgery, the Claims Administrator may require the Class Member to submit a Physician’s Declaration, or if unavailable other credible evidence, attesting that trauma was not the reason for the Revision Surgery.

4. **Duration of this CAP.** This CAP shall apply to all Claims processed or paid after the Effective Date stated above and shall terminate upon the earlier of: (i) cancellation or modification of this CAP by the Claims Administrator; or (ii) an order of the Court canceling or modifying the terms of this CAP.

APPROVED:

CLAIMS ADMINISTRATOR

By: 

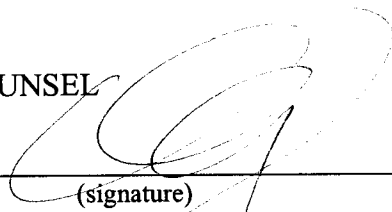
(signature)

Name: JAMES J. McMONAGLE

(printed or typed)

Date: APRIL 29, 2002

CLASS COUNSEL

By: 

(signature)

Name: R. ERIC KENNEDY

(printed or typed)

Date: APRIL 29, 2002
