



**IN RE: SULZER HIP PROSTHESIS  
AND KNEE PROSTHESIS PRODUCT  
LIABILITY LITIGATION**

Notice of Special Master Determination

Joseph Adams

Page 2 of 2

After a thorough review of the appeal submitted by the Appellant and the response submitted by the Appellee, the Special Master finds as follows:

There is no evidence of an abuse of discretion by the Appellee. The required application for benefits (Orange Form) was not filed timely and is barred by the plain language of the Settlement Agreement. The deadline for submitting a claim is November 4, 2002 and Appellant submitted an untimely Orange Form on June 20, 2003.

Appellant's argument that he was not notified that his claim was untimely is without merit. Appellee's June 30, 2003 "Claim Status Notification" letter clearly states, in bold print, "**Your claim was submitted after the applicable deadline.**" The August 21, 2003 Preliminary Determination and the October 20, 2003 Final Determination also indicate that a complete and timely claim was not filed.

In addition, Appellant has never requested an extension of the filing deadline under CAP 29, has not proffered any reason whatsoever for the late filing, and did not file his appeal with the Court as required in CAP 30.

By order of the Special Master, Appellee's Final Determination of Zero Dollars (\$0.00) is hereby AFFIRMED.

Appellant and Appellee have fifteen days from the date of this decision to file with the Court, for the Special Master's consideration, a fact or principle they believe the Special Master did not consider in rendering a decision. If no response is received by January 23, 2004, then the Special Master's Decision is final and may not be further contested or appealed.

January 8, 2004

Date

  
Leo M. Spellacy, Sr., Esq.  
Special Master