

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

IN RE: SULZER HIP PROSTHESIS)	Civil Action No.: 01-CV-9000
AND KNEE PROSTHESIS PRODUCT)	
LIABILITY LITIGATION)	ALL CASES
)	
<i>This document relates to:</i>)	(MDL No. 1401)
<i>Ethel Bliss</i>)	
)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Ethel Bliss, by and through her attorney Robert T. Joyce, Esq. of the Joyce and Reyes Law Firm (“Appellant”), appealed the decision of the Claims Administrator (“Appellee”) in rendering a Final Determination dated February 19, 2004 on Appellant’s claim for benefits from the Sulzer Settlement Trust.

Appellant appealed the decision of the Appellee, and contends that Appellee erred in his decision to deny Appellant’s claim for EIF Matrix Level V and IX benefits.

The factual findings of this matter are as follows:

1. Appellant submitted a claim for EIF Matrix Level III, V and IX benefits.
2. Appellant has been deemed eligible for Matrix Level III benefits.
3. Appellant also seeks Matrix Level V benefits for permanent pain and prolonged hospitalization, and Matrix Level IX benefits for pain and loss of quality of life
4. Appellee issued Preliminary and Final Determinations that Appellant was not eligible for EIF Matrix Level V or IX benefits.

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AND KNEE PROSTHESIS PRODUCT
LIABILITY LITIGATION**

Notice of Special Master Determination

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


CAP 30 §3 requires that a Class member who desires to note an appeal must submit a document that identifies the provision of the Settlement Agreement or CAP that supports his or her claim, attach a narrative explanation in support of his or her position, and submit copies of any documents previously supplied to the Claims Administrator as proof of his or her eligibility for benefits.

Appellant has not submitted an appeal that conforms to the requirements of CAP 30. Her appeal does not identify a provision of the Settlement Agreement or CAP in support of her claim, nor does it include any documents proving her eligibility for benefits.

Because there was no evidence for the Special Master to consider, Appellant's appeal is hereby DISMISSED, and Appellee's Final Determination of ineligibility for Appellant's Matrix Level V and IX claims is final and may not be further contested or appealed.

APR 26 2004

Date



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