

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

<b>IN RE: SULZER HIP PROSTHESIS</b>	)	<b>Civil Action No.: 01-CV-9000</b>
<b>AND KNEE PROSTHESIS PRODUCT</b>	)	
<b>LIABILITY LITIGATION</b>	)	<b>ALL CASES</b>
	)	
<i>This document relates to:</i>	)	<b>(MDL No. 1401)</b>
<i>Michelle Browning / Claim Number:</i>	)	
<i>George S. Browning / Claim Numbe</i>	)	<b>Judge Kathleen M. O'Malley</b>

**NOTICE OF SPECIAL MASTER DETERMINATION**

Michelle Browning and her spouse George S. Browning, by and through their attorney Ali Moghaddami, Esq. ("Appellants"), appealed the decision of the Claims Administrator ("Appellee") in rendering Final Determinations dated July 8, 2003 on Appellants' claim for benefits from the Sulzer Settlement Trust.

Appellants appealed the decision of the Appellee, and contend that Appellee erred in his decision to award a net benefit amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00) to Appellants.

The factual findings of this matter are as follows:

1. Appellants submitted a Blue Form seeking Unrevised APR benefits and a Yellow Form seeking Derivative Claimant benefits.
2. On December 23, 2002 Appellee did issue Preliminary Determinations awarding Appellants \$1,000.00 in Unrevised APR benefits and \$250.00 in Derivative Claimant benefits.
3. Appellants did submit a letter dated February 3, 2003 requesting additional Settlement benefits.
4. On July 8, 2003 Appellee issued Final Determinations awarding Appellants the full Unrevised APR and Derivative Claimant benefits allowed under the Settlement Agreement.

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

Notice of Special Master Determination

Michelle Browning / Claim Number

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

Appellee did not abuse his discretion in denying Appellants' request for additional Settlement benefits. Appellant seeks additional compensation for the pain she suffers due to the recalled Sulzer hip. She is afraid to have surgery.

Appellants were awarded Unrevised APR and Derivative Claimant benefits for the maximum amount allowed by the Settlement Agreement.

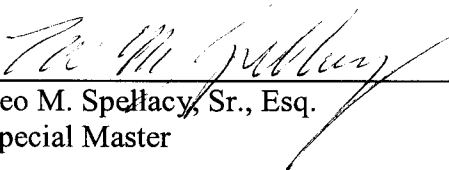
The Appellee, in following the terms of the Settlement Agreement, is not empowered to exceed the allowed amount of \$1,000 for a valid Unrevised APR claim or \$250 for a valid Derivative Claimant of an Unrevised APR claim.

By order of the Special Master, Appellee's Final Determination of One Thousand Two Hundred Fifty Dollars (\$1,250.00) is hereby AFFIRMED.

Appellants and Appellee have fifteen days from the date of this decision to file with the Court, for the Special Master's review, a fact or principle they believe the Special Master did not consider in rendering a decision. If no response is received by October 16, 2003, then the Special Master's Decision is final and may not be further contested or appealed.

October 1, 2003

Date

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