

**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>Frances Bryant</i>)	
<i>Claim Number</i>)	Judge Kathleen M. O'Malley
)	

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Frances Bryant, by and through her attorney Brian J. Connelly, Esq. of the Law Firm Gould, Cooksey, Fennell, O'Neill, Marine, Carter & Hafner ("Appellant"), appealed the decision of the Claims Administrator ("Appellee") in rendering a Final Determination dated May 19, 2003 on Appellant's claims for benefits from the Sulzer Settlement Trust.

Appellant appealed the decision of the Appellee, and contends that Appellee erred in his decision to award a net benefit amount of Zero Dollars (\$0.00) to Appellant.

The factual findings of this matter are as follows:

1. Appellant submitted an Orange Form seeking APRS benefits on August 13, 2002.
2. On December 27, 2002 Appellee issued a Preliminary Determination awarding Appellant Unrevised APR benefits because she had proven implantation of an Affected Product but had failed to prove that she had undergone a revision surgery.
3. On February 14, 2003 Appellant submitted a letter contesting her Preliminary Determination. In support of her contest, Appellant also submitted a letter and additional records from her surgeon.
4. On May 19, 2003 Appellee issued a Final Determination denying Appellant's APRS claim because she had failed to prove that she had undergone a revision surgery.

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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:

Appellee, Claims Administrator, made a determination that Appellant was not eligible for Affected Product Revision Surgery ("APRS") benefits. Appellee based his decision on the physician's report that he did not remove her Affected Product, but removed "the ball segment" of her prosthesis.

Appellee is required to follow the terms of the Settlement Agreement. Section 1.1(g) of the Settlement Agreement defines APRS as the "surgical removal and/or replacement of an Affected Product for reason other than trauma".

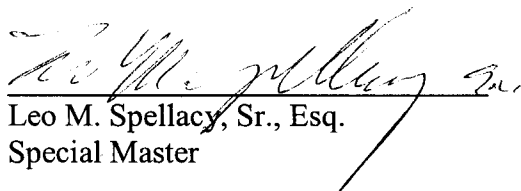
Appellant did not undergo an APRS and Appellee did not abuse his discretion in denying Appellant's request for APRS benefits.

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 submit to 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 September 8, 2003, then the Special Master's Decision is final and may not be further contested or appealed.

August 22, 2003

Date


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