

<b>SULZER SETTLEMENT TRUST CLAIMS ADMINISTRATOR PROCEDURE</b>			
<b>CAP No.</b>	<b>14</b>	<b>Effective Date</b>	<b>July 10, 2002</b>
<b>SUBJECT</b>	<b>Assisting Unrepresented Class Members with Completion of Claim Forms</b>		

1. **Purpose.** The Class Action Settlement Agreement in In re Sulzer Hip Prosthesis and Knee Prosthesis Product Liability Litigation ("Settlement Agreement") provides that the Claims Administrator shall make benefit determinations based upon the information and documentation provided with a completed Claim Form. [SA§ 4.6(a)] This Claims Administrator Procedure ("CAP") establishes how the Claims Administrator will respond to requests for assistance with the completion of Claim Forms from Class Members who are not represented by counsel. Capitalized terms not otherwise defined in this CAP shall have the meanings given them in the Settlement Agreement.

2. **Role of Claims Administrator in Responding to Class Member Inquiries.** The Claims Administrator will maintain and support a call center to respond to inquiries from Class Members and/or their attorneys regarding individual claims status, general requirements for completion of Claim Forms, communications generated by the Claims Administrator to the Class Member, and the Settlement Agreement's terms and requirements. The Claims Administrator will not provide legal advice, will neither encourage nor discourage retention of an attorney for the unrepresented Class Member, and will not assist with the completion of specific Claim Forms.

3. **Referral of Certain Inquiries to Class Counsel.** When the Claims Administrator receives a telephone call or a written inquiry from an unrepresented Class Member requesting assistance in the completion of his/her Claim Form, the Claims Administrator will answer questions of a general nature (*i.e.* signature required, which type of form to complete for which type of benefit sought). When deciding whether to respond to the inquiry, the Claims Administrator will evaluate whether the request requires legal or specific advice on how the Class Member should make a Claim for benefits. If, in the exercise of his discretion, the Claims Administrator determines that he should not respond to the inquiry, the Claims Administrator will inform the Class Member that the Claims Administrator will provide the Class Member's name and telephone number to Class Counsel. Unless otherwise instructed by the Class Member, the Claims Administrator will notify R. Eric Kennedy, Esquire, Weisman, Goldberg & Weisman Co., L.P.A., 1600 Midland Building, Landmark Office Towers, Cleveland, Ohio 44115, (800) 475-1189 or (216) 781-1111, (216) 781-6747 (facsimile) ("Designated Class Counsel") of the Class Member's name, Claim Number, and all information necessary to contact and assist the Class Member.

4. **Role of Designated Class Counsel in Responding to Class Member's Inquiries.** A legal assistant in the office of Designated Class Counsel will contact the Class Member to determine the nature and extent of the Class Member's inquiry. The legal assistant shall maintain detailed records of time and effort expended on behalf of a Class Member incident to referrals pursuant to this CAP. If the legal assistant in the office of Designated Class Counsel determines that the Class Member requires the assistance of or representation by an attorney to aid in

completion of her claim, the legal assistant shall obtain from Designated Class Counsel the name of an attorney to whom the Class Member may be referred. Designated Class Counsel shall maintain a list of attorneys eligible for referral. Upon completion of the contact with the Class Member, the attorney and/or legal assistant shall notify Designated Class Counsel, and Designated Class Counsel shall notify the Claims Administrator, of the name and contact information of the person or persons who assisted the Class Member, and the general nature of the assistance provided.

5. **Fees and Costs Associated with Assistance.** Designated Class Counsel, and any attorney providing advice pursuant to Paragraph 4 above, shall provide their services associated with this assistance or representation on a *pro bono* basis. Actual out-of-pocket expenses incurred by Designated Class Counsel or any attorney in the representation the Class Member pursuant to Paragraph 4 above will be reimbursed from the money allocated to Common Benefit expenses pursuant to Section 5.4 of the Settlement Agreement. Services provided by a legal assistant, pursuant to Paragraph 4 above, shall be, for purposes of this CAP, considered attorney fees within the intent of Article 5 of the Settlement Agreement, and may be compensated at a rate of \$45 per hour. Fees earned by the Designated Class Counsel pursuant to this CAP shall be paid as part of the Common Benefit Attorneys fee, pursuant to Section 5.4 of the Settlement Agreement, or otherwise as ordered by the Court.

6. **Duration of this CAP.** This CAP shall be effective from 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: July 10, 2002

CLASS COUNSEL

By: 

(signature)

Name: R. Eric Kennedy  
(printed or typed)

Date: July 10, 2002