

SULZER SETTLEMENT TRUST CLAIMS ADMINISTRATOR PROCEDURE			
CAP No.	26	Effective Date	September 16, 2002
SUBJECT	Definition of Significant Other in the Context of Derivative Claimants		

1. **Purpose.** The Class Action Settlement Agreement in *In re: Sulzer Hip Prosthesis and Knee Prosthesis Product Liability Litigation* ("Settlement Agreement") provides for payment in certain circumstances to Derivative Claimants. [SA §3.5]. The Settlement Agreement defines Derivative Claimants as "any person asserting the right to sue Sulzer and/or Sulzer AG independently or derivatively, by reason of their personal relationship with an Affected Product Recipient ("APR") such as a spouse or 'significant other.'" [SA §1.1(z)] This CAP clarifies the circumstances under which spouses may make claims for Settlement benefits and defines the term "significant other." Capitalized terms not otherwise defined in this CAP shall have the meaning given them in the Settlement Agreement.

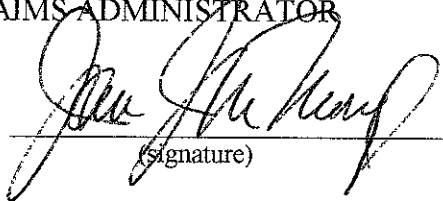
2. **Determination of "Significant Other" Status.** The Claims Administrator shall deem an individual to be a significant other for purposes of qualifying for Settlement benefits as a Derivative Claimant if the claimant attests to the following: (i) he or she cohabited with the APR at the time of the APR's Covered Revision Surgery, or at the time the claimant is making a claim for settlement benefits; (ii) he or she is, or was, the sole domestic partner of the APR at the time of cohabitation with the APR pursuant to sub-section (i) of this paragraph; (iii) he or she has, or had at the time of cohabitation, the intention of being the APR's life long partner at the time of cohabitation with the APR pursuant to sub-section (i) of this paragraph; (iv) some legal impediment exists, or existed, at the time of cohabitation with the APR pursuant to sub-section (i) of this paragraph, precluding the claimant from entering into a valid marriage with the APR. Under no circumstances may a child or other blood relative of an APR qualify as a "Significant Other" within the definition of Derivative Claimant.

3. **When A Spouse May Qualify as a Derivative Claimant.** A Claimant is a spouse of an APR for purposes of qualifying for Settlement benefits as a Derivative Claimant if he or she was married (ceremonially, legally, or through common law) to, and cohabiting with, the APR at the time of the implantation of the Affected Product, or at the time of the APR's Covered Revision Surgery, or at the time the claimant is making a claim for Settlement benefits.

4. **Duration of this CAP.** This CAP shall apply 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 the CAP.

APPROVED:

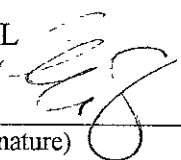
CLAIMS ADMINISTRATOR

By: 
(signature)

Name: James J. McMonagle
(printed or typed)

Date: 9/16/02

CLASS COUNSEL

By: 
(signature)

Name: R. Eric Kennedy
(printed or typed)

Date: 9/13/02