

**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>Kay L. Collins</i>)	
<i>Claim Number:</i>)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Kay L. Collins, by and through her attorney Jay W. Manuel, Esq. of the Law Firm Manuel & Thompson ("Appellant"), appealed the decision of the Claims Administrator ("Appellee") in rendering a Final Determination dated July 16, 2003 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 award a net benefit amount of Zero Dollars (\$0.00) to Appellant.

The factual findings of this matter are as follows:

1. Appellant timely submitted an Orange Form seeking APRS benefits.
2. On March 3, 2003 Appellee issued a Preliminary Determination denying Appellant's request for APRS benefits because she had not proven implantation of an Affected Product.
3. On April 17, 2003 Appellant submitted a letter contesting her Preliminary Determination.
4. On July 16, 2003 Appellee issued a Final Determination that Appellant is not eligible for Settlement benefits because she had not proven implantation of an Affected Product.

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

Notice of Special Master Determination

Kay L. Collins

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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 did not abuse his discretion in denying Appellant's claim for APRS benefits.

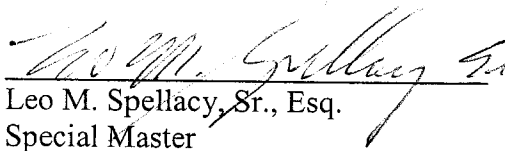
The Lot Number of the tibial baseplate implanted in Appellant is not an Affected Product pursuant to the Settlement Agreement. Therefore, Appellant is not a Class Member and is not entitled to Settlement Benefits.

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 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 November 5, 2003, then the Special Master's Decision is final and may not be further contested or appealed.

October 21, 2003

Date


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