

**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>Robert E. Cordova</i>	)	
<i>Claim Number:</i>	)	<b>Judge Kathleen M. O'Malley</b>

**NOTICE OF SPECIAL MASTER DETERMINATION**

Class Member Robert E. Cordova, by and through his attorney Nigel Burns, Esq. of the Blumberg Law Corporation (“Appellant”), appealed the decision of the Claims Administrator (“Appellee”) in rendering a Final Determination dated August 25, 2003 on one of Appellant’s claims for benefits from the Sulzer Settlement Trust.

Appellant appealed the decision of Appellee, and contends that Appellee erred in his decision to award an APRS benefit amount of One Hundred Sixty Thousand Dollars (\$160,000.00) to Appellant.

The factual findings of this matter are as follows:

1. Appellant submitted two Orange Forms seeking APRS benefits on November 4, 2002.
2. On February 7, 2001 Appellant underwent a non-removal surgery of his Affected Product.
3. On August 25, 2003 Appellee issued a Final Determination denying Appellant APRS benefits for the February 7, 2001 surgery because it was not an APRS.

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

Notice of Special Master Determination

Robert E. Cordova

Claim Number:

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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:

The Appellee, Claims Administrator, did not abuse his discretion in denying Appellant's claim for Affected Product Revision Surgery ("APRS") benefits as a result of his February 7, 2001 surgery.

In order to be eligible for APRS benefits, there must be a surgical removal and/or replacement of an Affected Product [see Settlement Agreement §1.1(g)]. An Affected Product is defined as certain Inter-Op Acetabular shells, Natural Knee II Tibial Baseplates, and reprocessed Inter-Op Shells that are identified by lot number on Annex I of the Settlement Agreement [see Settlement Agreement §1.1 (d)].

The operative report submitted by the Appellant states "It was felt that in view of the presence of well-fixed acetabular component and no evidence of bone loss, the component should be left in place. Attempts at removing this apparently well-fixed component clearly could result in further structural bone loss." Only the acetabular liner and femoral head were removed during this surgery, neither of which are an Affected Product.

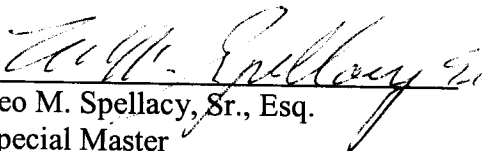
Since the Affected Product was neither removed or replaced, Appellant did not undergo an APRS pursuant to the terms of the Settlement Agreement, and does not qualify for benefits as set forth in Settlement Agreement §3.4.

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 December 18, 2003, then the Special Master's Decision is final and may not be further contested or appealed.

December 3, 2003

Date

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