

**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>Craig E. Cotton</i>)	
<i>Claim Number:</i>)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Craig E. Cotton, by and through his attorney Andres C. Pereira, Esq. of the Law Firm Fleming & Assoc. ("Appellant"), appealed the decision of the Claims Administrator ("Appellee") in rendering a Final Determination dated May 12, 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 submitted a Yellow Form seeking Derivative Claimant benefits on September 3, 2002.
2. In his Yellow Form submission, Appellant checked the box indicating that he was the significant other of his associated APR. Appellant did not indicate that he was the spouse, at common law or otherwise, of his associated APR.
3. On January 24, 2003 Appellee issued a Preliminary Determination that Appellant was not eligible for Settlement benefits because he had not proven that he was a Significant Other within the meaning of CAP 26.
4. On February 6, 2003 Appellant submitted a letter contesting the Preliminary Determination.
5. On May 12, 2003 Appellee issued a Final Determination that Appellant was not eligible for Settlement benefits because he had not proven that he was a Significant Other pursuant to CAP 26.

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LIABILITY LITIGATION**

Notice of Special Master Determination

Craig E. Cotton

Claim Number:

Page 2 of 2

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, did not abuse his discretion in denying Appellant's request for Derivative Claimant benefits.

In order to qualify as a Significant Other within the meaning of the Settlement Agreement and CAP 29, Appellant must allege facts sufficient to prove that there was a legal impediment preventing his marriage to his associated APR.

Appellant has not set forth the legal impediment that prevents his marriage to his associated APR.

Appellee is responsible for administering the Trust and making determinations under the terms of the Settlement Agreement.

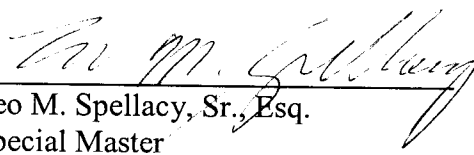
The Special Master is to review his findings for an abuse of discretion. Appellee's determination that Appellant's mere assertions do not satisfy the requirements of the definition of a "Significant Other" will not be disturbed.

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 August 26, 2003, then the Special Master's Decision is final and may not be further contested or appealed.

August 11, 2003

Date


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