



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

Notice of Special Master Determination

Florine R. Cox

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:

Appellee did not abuse his discretion in denying Appellant's request for Attorney Fee benefits. Appellant did not submit evidence of a contingent fee agreement at the time of her initial claim, or within forty-five (45) days of the Preliminary Determination denying benefits.

On November 8, 2002 Appellee issued a Preliminary Determination that Appellant was ineligible for Attorney Fee benefits.

Settlement Agreement Section 4.6 (d) provides that Appellant had forty-five (45) days to contest the adverse ruling. This same Section provides that if information contesting the adverse ruling is not given within the time provided, the Preliminary Determination is final.

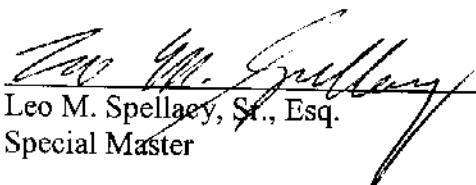
The Preliminary Determination became final on December 22, 2002. Appellant did not contest the Preliminary Determination until January 7, 2003.

Appellee cannot consider information provided after a Final Determination.

By order of the Special Master, Appellee's Final Determination of Zero Dollars (\$0.00) in Attorney Fee benefits 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 July 28, 2003, then the Special Master's Decision is final and may not be further contested or appealed.

July 11, 2003  
Date

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