

**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>Deborah Cueto</i>)	
)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Deborah Cueto, by and through her attorney James G. O'Callahan, Esq. of the Girardi and Keese Law Firm ("Appellant"), appealed the decision of the Claims Administrator ("Appellee") in rendering a Final Determination dated June 26, 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 Settlement benefits in the amount of Zero Dollars (\$0.00) to Appellant.

The factual findings of this matter are as follows:

1. Appellant submitted an Orange Form seeking APRS benefits on September 11, 2002.
2. On February 6, 2003 Appellee issued a Preliminary Determination denying Appellant's request for Settlement benefits because she had not proven implantation of an Affected Product as required by Question 7 of the Orange Form.
3. Appellant submitted a letter contesting the Preliminary Determination on March 24, 2003.
4. On June 26, 2003 Appellee issued a Final Determination that Appellant is not eligible for Settlement benefits because she had not proven implantation of an Affected Product as required by the Settlement Agreement.

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AND KNEE PROSTHESIS PRODUCT
LIABILITY LITIGATION**

Notice of Special Master Determination

Deborah Cueto

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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, Claims Administrator, did not abuse his discretion in denying Appellant's request for APRS benefits.

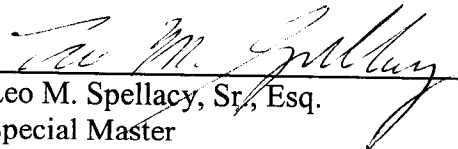
Appellant is entitled to these benefits only if she can demonstrate that she was implanted with an Affected Product by providing the lot number of said Affected Product.

The information Appellant has submitted is not sufficient to prove implantation of an Affected Product under the terms of the Settlement Agreement.

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

September 11, 2003
Date


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