

**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>Pedro Frank Delgado</i>)	
<i>Migdalia Delgado</i>)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Class Members Pedro Frank Delgado and his spouse Migdalia Delgado, by and through their attorney David H. Johnson, Esq. of the Kennedy Johnson D'Elia & Gillooly Law Firm ("Appellants"), appealed the decision of the Claims Administrator ("Appellee") in rendering Final Determinations dated July 2, 2003 on Appellants' claims for benefits from the Sulzer Settlement Trust.

Appellants appealed the decision of the Appellee, and contend that Appellee erred in his decision to issue a Final Determination in regards to Appellants APRS claim without considering Appellants request for an extension of time to undergo a revision surgery.

The factual findings of this matter are as follows:

1. Appellants submitted an Orange Form seeking APRS benefits and a Yellow Form seeking Derivative Claimant benefits on October 17, 2002.
2. Appellants have not undergone an APRS.
3. On July 2, 2003 Appellee issued Final Determinations denying Appellants' claims because they have not undergone an APRS.

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

Notice of Special Master Determination

Pedro Frank Delgado

Migdalia Delgado

Page 2 of 2

After a thorough review of the appeal submitted by the Appellants and the response submitted by the Appellee, the Special Master finds as follows:

In order to qualify for benefits, Appellants must have undergone an Affected Product Revision Surgery ("APRS").

Appellants concede that Mr. Delgado has not undergone an APRS and are not contesting the APRS benefit amount of \$0.00. The appeals of these claims are not eligible for consideration since no APRS has occurred for Appellant or Derivative Claimant.

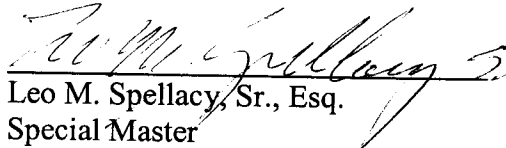
Appellants are requesting the Special Master grant an extension of time in which to undergo an APRS. The Special Master does not possess the authority to grant such an extension of time. The Special Master is limited to a review of Final Determinations of the Claims Administrator for an abuse of discretion in determining facts related to the Claim and Settlement Agreement interpretation.

By order of the Special Master, Appellee's Final Determination of Zero Dollars (\$0.00) is hereby AFFIRMED.

Appellants 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 October 1, 2003, then the Special Master's Decision is final and may not be further contested or appealed.

September 16, 2003

Date


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