

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

Notice of Special Master Determination

Cardella Frazier

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:

The Special Master shall review Final Determinations only for an abuse of discretion by the Appellee, Claims Administrator.

By Order of the United States District Court, the Claims Administrator shall evaluate claims for EIF benefits according to the policies and procedures set forth in Claims Administrator Procedure ("CAP") 27.

Appellee, Claims Administrator, at his discretion may award benefits to a Class Member under Matrix Level IX. The Claims Administrator will consider awarding benefits for catastrophic and extraordinary injuries that are not otherwise barred by CAP or the Settlement Agreement. Catastrophic means an injury that prevented the Class Member from engaging in an activity of daily living. Extraordinary shall mean that the complication suffered by the Class Member was unique compared to other Class Members similarly situated.

Appellant's injury is causally related to the Affected Product as she sustained left nerve palsy at or around the time of her surgery. The nerve palsy led to and caused her foot drop, which in turn caused her to develop a severe left foot ulcer.

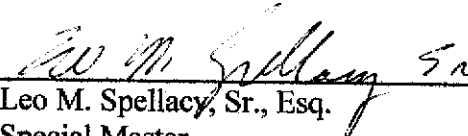
Appellant has submitted sufficient evidence for the Claims Administrator to determine that the severe decubitus ulcer on her left heel is related to her recalled hip implant and that the injuries she suffered are, as a result, catastrophic and extraordinary.

By order of the Special Master, Appellee's Final Determination of ineligibility for Appellant's EIF Matrix Level IX claim relating to her severe decubitus ulcer is hereby REVERSED and this claim is remanded back to the Claims Administrator for further determination pursuant to the Settlement Agreement.

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 January 23, 2004, then the Special Master's Decision is final and may not be further contested or appealed.

January 8, 2004

Date


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