

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>IN RE: SULZER HIP PROSTHESIS</b>	)	<b>Civil Action No.: 01-CV-9000</b>
<b>AND KNEE PROSTHESIS PRODUCT</b>	)	
<b>LIABILITY LITIGATION</b>	)	<b>ALL CASES</b>
	)	
<i>This document relates to:</i>	)	<b>(MDL No. 1401)</b>
<i>Carolyn Gallagher / Claim Number</i>	)	
<i>Joseph Gallagher / Claim Number:</i>	)	<b>Judge Kathleen M. O'Malley</b>

**NOTICE OF SPECIAL MASTER DETERMINATION**

Carolyn Gallagher and her spouse Joseph Gallagher, by and through their attorney Richard N. Fleming, Esq. ("Appellants"), appealed the decision of the Claims Administrator ("Appellee") in rendering Final Determinations dated June 27, 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 award a net benefit amount of Zero Dollars (\$0.00) to Appellants.

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 August 12, 2002.
2. On January 29, 2003 Appellee issued Preliminary Determinations denying Appellants APRS and Derivative Claimant benefits because implantation of an Affected Product had not been proven.
3. Appellants did timely contest their Preliminary Determinations.
4. On June 27, 2003 Appellee issued Final Determinations denying Appellants' claims because implantation of an Affected Product had not been proven.

