

**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>Joan Geiselhart</i>	)	
<i>James Geiselhart</i>	)	<b>Judge Kathleen M. O'Malley</b>

**NOTICE OF SPECIAL MASTER DETERMINATION**

Class Member Joan Geiselhart and her spouse James Geiselhart, by and through their attorney Robert M. Juszig, Esq. of the Law Firm Wingert Grebing Brubaker & Ryan (“Appellant”), appealed the decision of the Claims Administrator (“Appellee”) in rendering a Final Determination dated January 21, 2004 on Appellant’s claim for Extraordinary Injury Fund (“EIF”) benefits from the Sulzer Settlement Trust.

Appellant appealed the decision of the Appellee, and contends that Appellee erred in his decision to deny Appellant’s claim for EIF benefits.

The factual findings of this matter are as follows:

1. Appellant submitted a claim for EIF benefits on November 6, 2002.
2. Appellee issued Preliminary and Final Determinations that Appellant was not eligible for EIF benefits because her claim had not been timely submitted in accordance with the terms of the Settlement Agreement.

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

Notice of Special Master Determination

Joan Geiselhart

James Geiselhart

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:

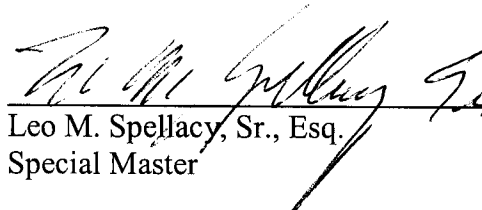
CAP 30 §3 requires that a Class member who desires to note an appeal must submit a document that identifies the provision of the Settlement Agreement or CAP that supports his or her claim, attach a narrative explanation in support of his or her position, and submit copies of any documents previously supplied to the Claims Administrator as proof of his or her eligibility for benefits.

Appellant has not submitted an appeal that conforms to the requirements of CAP 30. Her appeal does not include any documents proving her eligibility for benefits. In addition, Appellant has not proffered an explanation as to why the claim was untimely; therefore, an extension of time pursuant to CAP 29 cannot be granted.

Because there was no evidence for the Special Master to consider, Appellant's appeal is hereby DISMISSED, and Appellee's January 21, 2004 Final Determination of ineligibility for Appellant's claim for EIF benefits is final and may not be further contested or appealed.

**MAY 04 2004**

Date

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