

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

Notice of Special Master Determination

Andrewetta Hamilton

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There is no evidence to support Appellant's claim for EIF Matrix Level IX benefits for "decreased range of motion of hip; limited rotation and extension; diminished reflexes in leg; numbness if sleep on right side; pain requiring medication 4-6x/day; use of walker for ambulation." Matrix Level IX of the Physician Declaration Form is not completed, and Dr. Overdyke's letter of August 8, 2003 indicates "she did have active flexion of her hip in a seated position and could extend her knee fully. Range of motion was without hip pain" and "she was ambulatory without limitation." Therefore, Appellee, Claims Administrator, did not abuse his discretion in denying Appellant's Matrix Level IX claim.

By order of the Special Master, Appellee's Final Determination of ineligibility for Appellant's Matrix Level I, V and IX claims 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 February 5, 2004, then the Special Master's Decision is final and may not be further contested or appealed.

January 21, 2004
Date


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