

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF OHIO  
 EASTERN DIVISION

**FILED**

2003 JUL 21 PM 3:23

NORTHERN DISTRICT OF OHIO  
 CLEVELAND

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

Civil Action No.: 01-CV-96000

ALL CASES

*This document relates to:  
 Anne M. Hazzan / Claim Numb.  
 Jamal Hazzan / Claim Number.*

(MDL No. 1401)

Judge Kathleen M. O'Malley

**NOTICE OF SPECIAL MASTER DETERMINATION**

Anne M. Hazzan and her spouse Jamal Hazzan, by and through their attorney Edward W. Fudge, Esq. of The Lanier Law Firm ("Appellants"), appealed the decision of the Claims Administrator ("Appellee") in rendering Final Determinations dated May 12, 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 a Blue Form seeking Unrevised APR benefits and a Yellow Form seeking Derivative Claimant benefits on June 25, 2002.
2. On August 24, 2002 Appellee issued a "Claims Status Notification" letter informing Appellants that proof of implantation of an Affected Product was necessary to complete the Blue Form claim.
3. On November 22, 2002 Appellants' claim was supplemented with an implant record bearing a Lot Number that is not an Affected Product.
4. On January 16, 2003 Appellee issued Preliminary Determinations denying Appellants Unrevised APR and Derivative Claimant benefits because implantation of an Affected Product had not been proven.
5. On February 4, 2003 Appellants contested their Preliminary Determinations.
6. On May 12, 2003 Appellee issued Final Determinations denying Appellants' claims because implantation of an Affected Product had not been proven.

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

Notice of Special Master Determination

Anne M. Hazzan / Claim Number:

Jamal Hazzan / Claim Number:

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 be a recipient of an Affected Product described in the Settlement Agreement.

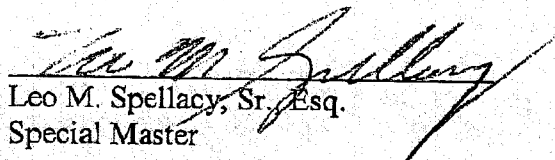
Appellants submitted evidence of a hip implant bearing Lot Number 1420281 not included in the Class Action.

Appellants are ineligible for benefits and Appellee did not abuse his discretion in denying their claim for benefits.

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 August 5, 2003, then the Special Master's Decision is final and may not be further contested or appealed.

July 21, 2003  
Date

  
Leo M. Spellacy, Sr. Esq.  
Special Master