

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: SULZER HIP PROSTHESIS ) Civil Action No.: 01-CV-9000  
AND KNEE PROSTHESIS PRODUCT )  
LIABILITY LITIGATION ) ALL CASES  
)  
*This document relates to:* ) (MDL No. 1401)  
*Dane Stephen Henry* )  
) Judge Kathleen M. O'Malley

**NOTICE OF SPECIAL MASTER DETERMINATION**

Representative Claimant Deborah Ann Henry, on behalf of Class Member Dane Stephen Henry ("Appellant"), appealed the decision of the Claims Administrator ("Appellee") in rendering a Final Determination on Appellant's claim for benefits from the Sulzer Settlement Trust.

After a review of the appeal submitted by the Appellant, the Special Master finds as follows:

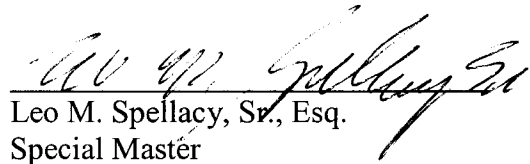
CAP 30 §3 requires that a Class member who desires to note an appeal must submit a document that identifies the provision of the Settlement Agreement or CAP that supports his or her claim, attach a narrative explanation in support of his or her position, and submit copies of any documents previously 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 even mention the claim that is being appealed. In addition, it does not include any documents proving Appellant's eligibility for benefits. There is no evidence that Appellant is deceased, no medical records that prove he was depressed due to the need for revision surgery, and no evidence that his suicide was a result of his depression.

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

**MAY 03 2004**

Date

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