

**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
)	
<i>This document relates to:</i>)	(MDL No. 1401)
<i>Anna S. Huffmaster</i>)	
<i>Claim Number:</i>)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Anna S. Huffmaster, by and through her attorney, David E. Tuszynski of the Law Firm Garland, Samuel & Loeb (“Appellant”), appealed the decision of the Claims Administrator (“Appellee”) in rendering a Final Determination dated June 5, 2003 on Appellant’s claim for benefits from the Sulzer Settlement Trust.

Appellant appealed the decision of Appellee, and contends that Appellee erred in his decision to award a net benefit amount of Zero Dollar (\$0.00) to Appellant.

The factual findings of this matter are as follows:

1. Appellant timely submitted an Orange Form seeking APRS benefits.
2. On May 23, 2001 Appellant underwent a non-removal surgery of her Reprocessed Shell.
3. On February 20, 2003 Appellee issued a Preliminary Determination that Appellant was ineligible for APRS benefits because she had not undergone an Affected Product Revision Surgery (APRS).
4. On June 5, 2003 Appellee issued a Final Determination denying Appellant APRS benefits because she had not undergone an APRS.

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

Notice of Special Master Determination

Anna S. Huffmaster

Claim Number:

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

The Appellee, Claims Administrator, did not abuse his discretion in denying Appellant's claim for Affected Product Revision Surgery ("APRS") benefits as a result of her May 23, 2001 surgery.

In order to be eligible for APRS benefits, there must be a surgical removal and/or replacement of an Affected Product [see Settlement Agreement §1.1(g)].

The physician's report indicates that it was not necessary to remove the Reprocessed Inter-Op Shell from Appellant's hip.

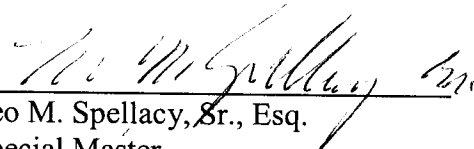
Since the Affected Product was neither removed or replaced, Appellant did not undergo an APRS and does not qualify for benefits as set forth in Settlement Agreement §3.4.

By order of the Special Master, Appellee's Final Determination of Zero Dollars (\$0.00) 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 September 24, 2003, then the Special Master's Decision is final and may not be further contested or appealed.

September 9, 2003

Date


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