

**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>Virginia Jones</i>	)	
<i>Claim Number:</i>	)	<b>Judge Kathleen M. O'Malley</b>

**NOTICE OF SPECIAL MASTER DETERMINATION**

Class Member Virginia Jones, by and through her attorney Theodore S. Pina, Jr. ("Appellant"), appealed the decision of the Claims Administrator ("Appellee") in rendering a Final Determination dated July 2, 2003 on Appellant's claim for benefits from the Sulzer Settlement Trust.

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

The factual findings of this matter are as follows:

1. Appellant timely submitted an Orange Form seeking APRS benefits on October 4, 2002.
2. On July 18, 2000 Appellant underwent a non-removal surgery.
3. On March 3, 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. Appellant did submit a letter contesting her Preliminary Determination.
5. On July 2, 2003 Appellee issued a Final Determination denying Appellant APRS benefits because she has not undergone an APRS.

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AND KNEE PROSTHESIS PRODUCT  
LIABILITY LITIGATION**

Notice of Special Master Determination

Virginia Jones

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:

Appellant appeals the Claims Administrator's denial of Affected Product Revision Surgery ("APRS") benefits.

Appellee, Claims Administrator, has determined that Appellant's surgery of July 18, 2000 did not result in the removal or replacement of an Affected Product.

The Special Master reviews Appellee's decision only to determine if he has abused his discretion.

The medical report indicated that Appellant underwent surgical revision of the plastic liner and femoral head, and that the Affected Product was not removed but remained implanted at the conclusion of the procedure.

The Settlement Agreement defines an APRS as the removal and/or replacement of an Affected Product.

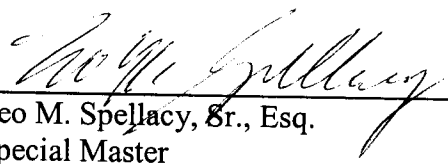
It is agreed that the Affected Product remained implanted at the conclusion of the surgery and, since it was neither removed nor replaced, Appellant does not qualify for APRS benefits.

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 26, 2003, then the Special Master's Decision is final and may not be further contested or appealed.

September 11, 2003

Date

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