

**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>CeCee Kane</i>)	
)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member CeCee Kane, by and through her attorney Kevin P. Mahoney, Esq. of the Law Firm Roberts & Mahoney (“Appellant), appealed the decision of the Claims Administrator (“Appellee”) in rendering a Final Determination dated December 30, 2003 on Appellant’s claim for benefits from the Sulzer Settlement Trust.

Appellants appealed the decision of the Appellee, and contend that Appellee erred in his decision to award EIF Matrix Level III, IV, V and IX benefits in the amount of Zero Dollars (\$0.00) to Appellants.

The factual findings of this matter are as follows:

1. Appellants submitted a claim for EIF Matrix Level II, IV, V and IX benefits.
2. Appellee issued Preliminary and Final Determinations that Appellant was not eligible for EIF Matrix Level III, IV, V or IX benefits

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AND KNEE PROSTHESIS PRODUCT
LIABILITY LITIGATION**

Notice of Special Master Determination

CeCee Kane

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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 Special Master shall review Final Determinations only for an abuse of discretion by the Appellee, Claims Administrator.

The Green Form itself specifically states “A timely *Blue* or *Orange Form* (whichever appropriate) must have been completed in addition to this EIF Benefits Form (*Green Form*).”

The appeal regarding the tardiness of Appellant’s Orange Form was decided by the Special on August 11, 2003 and that issue cannot be appealed further.

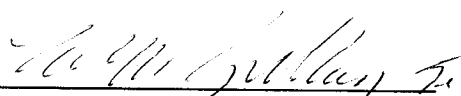
Since Appellants did not file a timely Orange Form, as required by the Settlement Agreement, Appellee did not abuse his discretion in denying her claims for EIF benefits.

By order of the Special Master, Appellee’s Final Determination of ineligibility for Appellant’s EIF Matrix Level III, IV, V and IX claims 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 March 8, 2004, then the Special Master’s Decision is final and may not be further contested or appealed.

February 20, 2004

Date



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