

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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

*This document relates to:*  
*Gary Knippa / Claim Number*  
*Tana Knippa / Claim Number*

Civil Action No.: 01-CV-9000/0

ALL CASES

(MDL No. 1401)

Judge Kathleen M. O'Malley

2003 JUN 10 AM 11:53  
U.S. DISTRICT COURT  
CLEVELAND

**NOTICE OF SPECIAL MASTER DETERMINATION**

Class Members Gary Knippa and his spouse, Tana Knippa ("Appellant"), appealed the decision of the Claims Administrator ("Appellee") in rendering a Final Determination dated March 26, 2003 on Appellant's claim for benefits from the Sulzer Settlement Trust.

Appellant timely appealed the decision of the Appellee, and contends that Appellee erred in its 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 submitted an untimely Blue Form seeking Unrevised APR benefits and an untimely Yellow Form seeking Derivative Claimant benefits on September 6, 2002.
2. On November 4, 2002 Appellee did issue a Preliminary Determination that Appellant was not eligible for Unrevised APR benefits and Derivative Claimant benefits because the claims had not been submitted in a timely fashion according to the requirements of the Settlement Agreement.
3. On December 10, 2002 Appellant submitted a letter contesting their Preliminary Determinations.
4. On March 26, 2003 Appellee issued a Final Determination that Appellant is not eligible for Settlement benefits because their claims were not filed before the deadline.
5. Appellant has not submitted any evidence that demonstrates their failure to submit timely claim forms was caused by circumstances giving rise to a permissible extension of time under CAP 29.

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Notice of Special Master Determination

Gary Knippa / Claim Number

Tana Knippa / Claim Number

Claim Number: 504589023

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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:

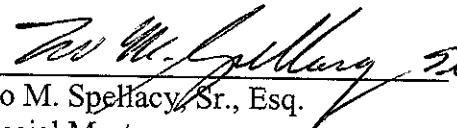
The Appellee did not abuse his discretion in denying Appellant's request for Unrevised APR benefits and Derivative Claim benefits.

In the absence of any specific circumstances under which a permissible extension of time may be granted, the Claims Administrator is obligated to follow the deadlines set forth in the Settlement Agreement.

Since there is no excusable neglect that caused Appellant's untimely filing, 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 submit to the Court a fact or principle they believe the Special Master did not consider in rendering a decision. If no response is received by June 25, 2003, then the Special Master's Decision is final and may not be further contested or appealed.

June 10, 2003  
Date

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