

**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>Margaret C. Lee</i>)	
<i>Claim Number:</i>)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Margaret C. Lee, by and through her attorney John M. Feder, Esq. of the Rouda, Feder, Tietjen & Zanobini Law Firm (“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’s Blue Form submission was postmarked September 6, 2002.
2. On February 20, 2003 Appellee did issue a Preliminary Determination that Appellant was not eligible for Unrevised APR benefits because her claim had not been submitted in a timely fashion according to the requirements of the Settlement Agreement.
3. On April 3, 2003 Appellant submitted a letter contesting the Preliminary Determination.
4. On July 2, 2003 Appellee issued a Final Determination that Appellant is not eligible for Settlement benefits because she did not file her claim before the deadline.
5. Appellant has not submitted any evidence that demonstrates that her failure to submit a timely claim form was caused by circumstances giving rise to a permissible extension of time under CAP 29.

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AND KNEE PROSTHESIS PRODUCT
LIABILITY LITIGATION**

Notice of Special Master Determination

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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:

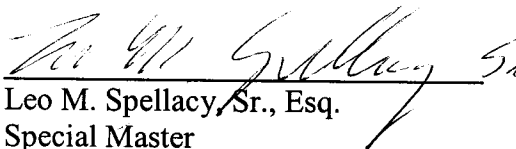
There is no evidence of an abuse of discretion by the Appellee. The required application for benefits (Blue Form) was not filed timely and is barred by the plain language of the Settlement Agreement.

The deadline for submitting an Unrevised APR claim is September 5, 2002. Appellant submitted an untimely Blue Form on September 6, 2002.

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 October 17, 2003, then the Special Master's Decision is final and may not be further contested or appealed.

October 2, 2003
Date


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