

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FILED

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

2003 JUN 16 PM 02:34  
Civil Action No. 03-16-CV-02034

ALL CASES HEARD IN DISTRICT OF OHIO  
CLEVELAND

*This document relates to:* )  
*Harold G. Lewis* )  
*Claim Number* )  
*Judy R. Lewis* )  
*Claim Number* )

(MDL No. 1401)

Judge Kathleen M. O'Malley

**NOTICE OF SPECIAL MASTER DETERMINATION**

Class Members Harold G. Lewis and his spouse Judy R. Lewis, by and through their attorney Joel A. Beck, Esq. of the Law Firm Hepworth, Lezamiz & Janis ("Appellant"), appealed the decision of the Claims Administrator ("Appellee") in rendering a Final Determination dated April 10, 2003 on Appellant's claims 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 Orange Form seeking APRS benefits and a Yellow Form seeking Derivative Claimant benefits on May 29, 2002.
2. On December 27, 2002 Appellee issued a Preliminary Determination denying Appellant APRS and Derivative Claimant benefits because implantation of an Affected Product had not been proven.
3. On January 3, 2002 Appellant submitted a letter contesting their Preliminary Determinations.
4. On April 10, 2003 Appellee issued a Final Determination denying Appellant's APRS and Derivative claims because implantation of an Affected Product had not been proven.

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Notice of Special Master Determination

Harold G. Lewis

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:

Appellee did not abuse his discretion in denying Appellant's claim for APRS and Derivative Claimant benefits.

Appellee is obligated to enforce the Settlement Agreement defining the parties to the contract, and distributing funds to those who provide proof of implantation of an Affected Product.

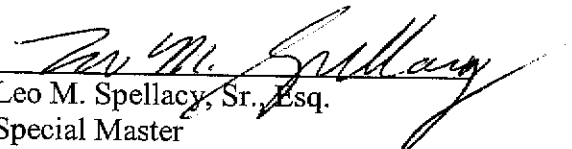
Appellant has failed to provide such proof and concedes that the lot number associated with that component is not part of the Settlement Agreement. A statement by a Sulzer representative that Appellant's will be compensated does not allow them to participate in the Settlement Agreement.

The Settlement Agreement provides that the parties are the Sulzer Settlement Trust and Class Members so defined. The Trust is an entity entirely distinct from Sulzer Orthopedics, Inc., Centerpulse AG and Sulzer AG.

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, 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 July 1, 2003, then the Special Master's Decision is final and may not be further contested or appealed.

June 16, 2003  
Date

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