UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: SULZER HIP PROSTHESIS AND KNEE PROSTHESIS PRODUCT LIABILITY LITIGATION	)	**Civil Action No.: 01-CV-9000**
	)	**ALL CASES**
This document relates to: Daniel D. McSwiney	)	**(MDL No. 1401)**
	)	**Judge Kathleen M. O'Malley**

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Daniel D. McSwiney, by and through his attorney Robert Gittleman, Esq. of the Gittleman, Paskel, Tashman & Walker Law Firm ("Appellant"), appealed the decision of the Claims Administrator ("Appellee") in rendering a Final Determination dated January 21, 2004 on Appellant's claim for Extraordinary Injury Fund ("EIF") benefits from the Sulzer Settlement Trust.

Appellant appealed the decision of the Appellee, and contends that Appellee erred in his decision to deny Appellant's claim for APRS and EIF benefits.

The factual findings of this matter are as follows:

1. Appellant submitted a claim for APRS and EIF benefits.

2. Appellee issued Preliminary and Final Determinations that Appellant was not eligible for APRS and EIF benefits because he had not proven implantation of an Affected Product.