

**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>Deborah McWhortor</i>)	
)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Deborah McWhortor, by and through her attorney Andres C. Pereira, Esq. of the Fleming & Associates 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 benefits from the Sulzer Settlement Trust.

After a review of the appeal submitted by the Appellant, the Special Master finds as follows:

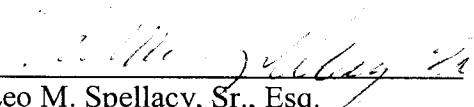
CAP 30 §3 requires that a Class member who desires to note an appeal must submit a document that identifies the provision of the Settlement Agreement or CAP that supports his or her claim, attach a narrative explanation in support of his or her position, and submit copies of any documents previously supplied to the Claims Administrator as proof of his or her eligibility for benefits.

Appellant has not submitted an appeal that conforms to the requirements of CAP 30. Her appeal does not even mention the claim that is being appealed, although it appears to be a Matrix Level IX claim for lost wages. In addition, this appeal does not include any documents proving Appellant’s eligibility for benefits.

Because there was no evidence for the Special Master to consider, Appellant’s appeal is hereby DISMISSED, and Appellee’s January 21, 2004 Final Determination of ineligibility for Appellant’s claim for EIF benefits is final and may not be further contested or appealed.

APR 14 2004

Date



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