

**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>Charles O'Corr</i>)	
)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Charles O'Corr ("Appellant"), appealed the decision of the Claims Administrator ("Appellee") in rendering a Final Determination 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 deny Appellant's claim for EIF benefits.

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. His Notice of Appeal was not filed with the Court, it does not identify a provision of the Settlement Agreement or CAP in support of his claim, it does not include a narrative explanation in support of his position, or any documents proving his eligibility for benefits. His appeal does not even indicate under what Matrix Level he is seeking benefits, and the October 16, 2002 letter from Dr. Young that was attached indicates that he is seeking EIF benefits for a revision surgery, which is not compensable from the EIF.

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

Notice of Special Master Determination

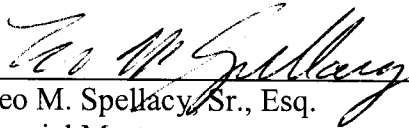
Charles O'Corr

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

APR 26 2004

Date


Leo M. Spellacy Sr., Esq.
Special Master