

**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>Katherine Anne O'Neill</i>)	
<i>Claim Number:</i>)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Katherine Anne O'Neill, by and through her attorney Peter D. Hoffman, Esq. ("Appellant"), appealed the decision of the Claims Administrator ("Appellee") in rendering a Final Determination dated June 10, 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 submitted a Yellow Form seeking Derivative Claimant benefits on September 10, 2002.
2. In her Yellow Form submission, Appellant checked the box indicating that she was the significant other of her associated APR.
3. On February 20, 2003 Appellee issued a Preliminary Determination that Appellant was not eligible for Settlement benefits because she had not proven that she was a Significant Other within the meaning of CAP 26.
4. On June 10, 2003 Appellee issued a Final Determination that Appellant was not eligible for Settlement benefits because she had not proven that she was a Significant Other pursuant to CAP 26.

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

Notice of Special Master Determination

Katherine Anne O'Neill

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:

In order to qualify as a Significant Other within the meaning of the Settlement Agreement and CAP 29, Appellant must allege facts sufficient to prove that there was a legal impediment preventing her marriage to her associated APR.

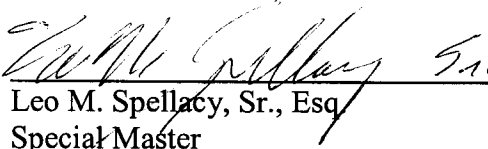
Appellant has not set forth the legal impediment that prevents her marriage to her associated APR.

The Special Master is to review Appellee's findings for an abuse of discretion. Appellee did not abuse his discretion in determining that Appellant does not satisfy the requirements of a Significant Other pursuant to the terms of the Settlement Agreement and CAP 29.

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