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: *Edward Proctor*	)	**(MDL No. 1401)**
	)	**Judge Kathleen M. O'Malley**

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Edward Proctor, by and through his attorney Neil J. Rovner, Esq. of the Angino & Rovner Law Firm ("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.

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 appeal does not even mention the claim that is being appealed, it does not identify the provision of the Settlement Agreement or CAP that supports his claim, there was no narrative explanation in support of his position, and it did 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 Final Determination of ineligibility for Appellant's claim for benefits is final and may not be further contested or appealed.

MAY 14 2004
Date

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

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