

**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>Kenneth Reed</i>)	
)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Kenneth Reed, on behalf of Class Member Mary Reed, by and through his attorney Robert T. Joyce, Esq. of the Joyce and Reyes Law Firm (“Appellant”), appealed the decision of the Claims Administrator (“Appellee”) in rendering a Final Determination dated February 2, 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 EIF Matrix Level IX benefits.

The factual findings of this matter are as follows:

1. Appellant submitted a claim for EIF Matrix Level IX benefits.
2. Appellant seeks EIF Matrix Level IX benefits for the death of Mary Reed 12 days after her implantation surgery.
3. Appellee issued Preliminary and Final Determinations that Appellant was not eligible for EIF Matrix Level IX benefits.

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AND KNEE PROSTHESIS PRODUCT
LIABILITY LITIGATION**

Notice of Special Master Determination

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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.

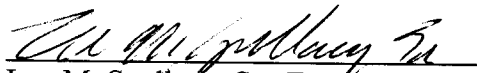
Appellant has not submitted an appeal that conforms to the requirements of CAP 30. His appeal does not identify a provision of the Settlement Agreement or CAP in support of his claim, it contains no narrative explanation of why the Claims Administrator's Final Determination is in error, nor does it contain proof of his eligibility for benefits.

Because there was absolutely no information provided for the Special Master to consider, Appellant's appeal is hereby DISMISSED.

Appellee's Final Determination of ineligibility for Appellant's Matrix Level IX claim is final and may not be further contested or appealed.

APR 05 2004

Date


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