

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>IN RE: SULZER HIP PROSTHESIS</b>	)	<b>Civil Action No.: 01-CV-9000</b>
<b>AND KNEE PROSTHESIS PRODUCT</b>	)	
<b>LIABILITY LITIGATION</b>	)	<b>ALL CASES</b>
	)	
<i>This document relates to:</i>	)	<b>(MDL No. 1401)</b>
<i>True Renz</i>	)	
<i>Claim Number: 1</i>	)	<b>Judge Kathleen M. O'Malley</b>

**NOTICE OF SPECIAL MASTER DETERMINATION**

Class Member True Renz, by and through her attorney William D. Levinson of the Eichen Levinson Law Firm (“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 One Thousand Dollars (\$1,000.00) to Appellant.

The factual findings of this matter are as follows:

1. Appellant submitted an Orange Form seeking APRS benefits on September 4, 2002.
2. On October 25, 2002 Appellee issued a “Claims Status Notification” letter informing Appellant that proof of implantation of an Affected Product as required by Question 7 of the Orange Form, and proof that the Affected Product was replaced and/or removed as required by Question 9 of the Orange Form was necessary to complete her claim.
3. On February 6, 2003 Appellee issued a Preliminary Determination denying Appellant APRS benefits because she had not proven implantation of an Affected Product, or that she underwent an APRS.
4. Appellant did contest the Preliminary Determination on March 21, 2003.
5. On June 19, 2003 Appellee issued a Final Determination denying Appellant’s claim for APRS benefits because she had not proven that she had undergone an APRS for reasons other than trauma as required by the Settlement Agreement, but awarding her Unrevised APR benefits because she had proven implantation of an Affected Product.
6. Appellant’s Notice of Appeal has not been filed with the Court.

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

**Notice of Special Master Determination**

True Renz

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:

The Appellee did not abuse his discretion in denying Appellant's claim for APRS benefits.

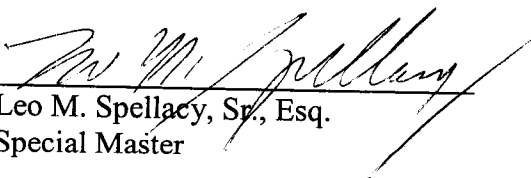
Appellant has failed to prove she was implanted with an Affected Product.

Appellant, in her submission of hundreds of pages of medical records, fails to indicate a particular document that proves she underwent a revision surgery.

By order of the Special Master, Appellee's Final Determination of One Thousand Dollars (\$1,000.00) 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 September 26, 2003, then the Special Master's Decision is final and may not be further contested or appealed.

September 11, 2003  
Date

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