

**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>Jonathan R. Robinson</i>)	
)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Jonathan R. Robinson, by and through his attorneys Ken Suggs, Esq. and Gerald D. Jowers, Jr., Esq. of the Law Firm Suggs & Kelly Lawyers (“Appellant”), appealed the decision of the Claims Administrator (“Appellee”) in rendering a Final Determination dated January 21, 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 multiple claims for EIF Matrix Level IX benefits.
2. Appellant has been awarded Matrix Level IX benefits for a re-implantation procedure (two stage APRS) and for bone loss requiring bone grafting.
3. Appellant also seeks Matrix Level IX benefits for a dislocation of April 26, 2000, hospitalization of May 19, 2000, surgeries of December 1, 2000, September 6, 2000, August 17, 2000 and October 25, 2000, a second claim for bone loss requiring bone grafting, two claims for physical therapy, two claims for medical expenses, two claims for wage loss, aspirations of July 24, 2000 and August 16, 2000, and catheter placement.
4. Appellee issued Preliminary and Final Determinations that Appellant was not eligible for EIF Matrix Level IX benefits for any of the claims mentioned in 3. above.

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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:


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 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 January 21, 2004 Final Determination of ineligibility for Appellant's claims for EIF Matrix Level IX benefits for a dislocation of April 26, 2000, hospitalization of May 19, 2000, surgeries of December 1, 2000, September 6, 2000, August 17, 2000 and October 25, 2000, a second claim for bone loss requiring bone grafting, two claims for physical therapy, two claims for medical expenses, two claims for wage loss, aspirations of July 24, 2000 and August 16, 2000, and catheter placement.

MAY 14 2004

Date


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