

**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>Stella Rumbawa</i>)	
<i>Claim Number:</i>)	Judge Kathleen M. O'Malley
)	

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Stella Rumbawa, by and through her attorney, Jerald R. Olf, Esq. ("Appellant"), appealed the decision of the Claims Administrator ("Appellee") in rendering a Final Determination dated June 27, 2003 on Appellant's claim for benefits from the Sulzer Settlement Trust.

Appellant appealed the decision of the Appellee, and contend that Appellee erred in his decision to award Settlement benefits in the amount of Zero Dollars (\$0.00) to Appellant.

The factual findings of this matter are as follows:

1. Appellant submitted an untimely Blue Form seeking Unrevised APR benefits on September 10, 2002.
2. On February 20, 2003 Appellee issued a Preliminary Determination that Appellant was not eligible for Settlement benefits because her claim had not been submitted in a timely fashion according to the requirements of the Settlement Agreement.
3. Appellant submitted a letter dated April 4, 2003 contesting the Preliminary Determinations.
4. On June 27, 2003 Appellee issued a Final Determination that Appellant was not eligible for Settlement benefits because her claim was not filed before the deadline.
5. Appellant has not submitted any evidence demonstrating that her failure to submit a timely claim form was caused by circumstances giving rise to a permissible extension of time under CAP 29.

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LIABILITY LITIGATION**

Notice of Special Master Determination

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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, Claims Administrator, did not abuse his discretion in denying Appellant's request for Unrevised APR benefits.

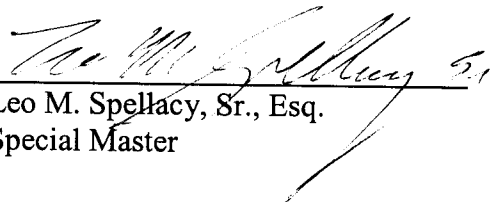
In order to qualify for benefits, Claimants must submit the appropriate claim forms within the times prescribed in the Settlement Agreement. Appellant was required to submit her claim form on or before September 5, 2002. Her submission on September 10, 2002 was untimely and is barred by the plain language of the Settlement Agreement.

CAP 29 delineates circumstances that are not a permissible basis for the extension of time. Specifically, Section 5 prohibits the Appellee from granting an extension of time for the submission of a claim when the Class Member or his/her attorney was aware of the deadline and miscalculated by arithmetic the actual deadline.

By order of the Special Master, Appellee's Final Determination of Zero Dollars (\$0.00) is hereby AFFIRMED.

Appellants 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