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: *Janet Schwartz*	)	**(MDL No. 1401)**
	)	
	)	**Judge Kathleen M. O'Malley**

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Janet Schwartz, by and through her attorney Larry L. Leifer Esq. ("Appellant"), appealed the decision of the Claims Administrator ("Appellee") in rendering a Final Determination on Appellant's claim for Extraordinary Injury Fund ("EIF") 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. Her appeal does not identify the provision(s) of the Settlement Agreement or CAP that supports her claim, nor were any documents previously supplied to the Claims Administrator as proof of her eligibility for benefits submitted with her appeal. Appellant alleges, in her letter of May 11, 2004, that a videotape had been provided to the Special Master; however, no videotape regarding this matter has been received by the Special Master.
>
> 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 EIF benefits is final and may not be further contested or appealed.

MAY 27 2004

Date

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

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