

**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>Bobbie Speaker</i>	)	
	)	<b>Judge Kathleen M. O'Malley</b>

**NOTICE OF SPECIAL MASTER DETERMINATION**

Brad Speaker, on behalf of Class Member Bobbie Speaker, (“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 benefits.

The factual findings of this matter are as follows:

1. Appellant submitted a claim for EIF Matrix Level II, IV and V benefits.
2. Appellant seeks Matrix Level II benefits for several alleged non-removal surgeries, Matrix Level IV benefits for dislocations, Matrix Level V benefits for chronic lung and urinary tract infections
3. Appellee issued Preliminary and Final Determinations that Appellant was not eligible for EIF Matrix Level II, IV and V benefits.

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LIABILITY LITIGATION**

Notice of Special Master Determination

Bobbie Speaker

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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.

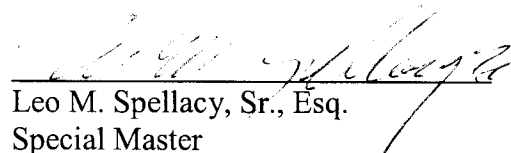
Appellant has not submitted an appeal that conforms to the requirements of CAP 30. The appeal does not identify a provision of the Settlement Agreement or CAP in support of Appellant's claim, nor do the documents submitted with the appeal contain proof of eligibility for benefits.

Because there was insufficient evidence for the Special Master to consider, Appellant's appeal is hereby DISMISSED.

By order of the Special Master, Appellant's Notice of Appeal is hereby DISMISSED and Appellee's Final Determination of ineligibility for Appellant's EIF claim for Matrix Level II, IV and V benefits is final and may not be further contested or appealed.

**OR 14 2014**

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Date

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