

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: SULZER HIP PROSTHESIS)
AND KNEE PROSTHESIS PRODUCT) Civil Action No.: 01-CV-9000
LIABILITY LITIGATION) ALL CASES
)
This document relates to:) (MDL No. 1401)
Sharon Steele)
)
) Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Sharon Steele, by and through her attorney J. Graham Hill, Esq. of the Law Firm Hill Parker & Roberson (“Appellant”), appealed the decision of the Claims Administrator (“Appellee”) in rendering a Final Determination dated May 19, 2004 on Appellant’s claim for benefits from the Sulzer Settlement Trust.

After a review of the appeal submitted by the Appellant, the Special Master finds as follows:

Section 4.6(f) of the Settlement Agreement provides that Class Members may appeal the Final Determination of the Claims Administrator by filing a notice with the Federal District Court within thirty days after the date of the Claims Administrator’s Final Determination.

Section 4.6(g) of the Settlement Agreement states, in pertinent part, “If there is no appeal of the Claims Administrator’s decision with respect to the Final Determination, the decision of the Claims Administrator shall be final.”

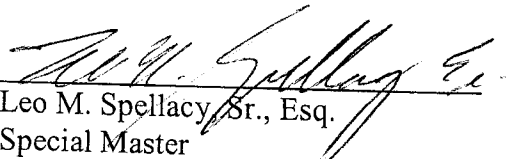
Pursuant to Section 4.6(f) of the Settlement Agreement, Appellant had until June 18, 2004 to appeal the Claims Administrator’s Final Determination issued May 19, 2004 by filing a notice with the Federal District Court. Appellant’s Notice of Appeal is dated June 28, 2004.

In accordance with Section 4.6(g) of the Settlement Agreement, Appellant did not appropriately and timely appeal the Final Determination issued May 19, 2004; therefore, the decision of the Claims Administrator is final and Appellant’s appeal dated June 28, 2004 is hereby DISMISSED.

JUL 16 2004

Date

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Leo M. Spellacy Sr., Esq.
Special Master