

**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>Deanna Strapp</i>)	
<i>Mel Strapp</i>)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Deanna Strapp and her spouse, Mel Strapp, by and through their attorney Michael H. Feldman, Esq. of the Law Firm Ashcraft & Gerel (“Appellant”), appealed the decision of the Claims Administrator (“Appellee”) in rendering a Final Determination dated February 10, 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 a claim for EIF benefits under multiple Matrix Levels.
2. Appellant has been deemed eligible for EIF Matrix Level III benefits for her NAPRS of June 23, 2000, Matrix Level IV benefits for a wound infection, Matrix Level V benefits for pain and disability, Matrix Level IX benefits for implantation of a vena cava filter, and Matrix Level IX benefits for her surgery of November 3, 2001.
3. Appellee issued Preliminary and Final Determinations that Appellant was not eligible for EIF Matrix Level IV benefits for a pulmonary embolism, Matrix Level V benefits for scarring, Matrix Level VII benefits for a stroke, and Matrix Level IX benefits for her implantation surgery, for her APRS, for a wound infection, for a NAPRS, for insertion of a groshong catheter, for permanent disfigurative scarring, for permanent pain and disability, loss of income, loss of Derivative Claimant’s income, and for a stroke.

**IN RE: SULZER HIP PROSTHESIS
AND KNEE PROSTHESIS PRODUCT
LIABILITY LITIGATION**

Notice of Special Master Determination

Deanna Strapp

Mel Strapp

Page 2 of 2

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.

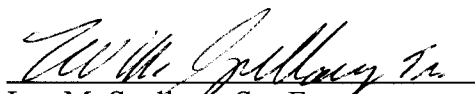
Appellant has not submitted an appeal that conforms to the requirements of CAP 30. Her appeal does not even identify which claim is being appealed, rather it states "The confluence of Mrs. Strapp's various complications should qualify her for additional compensation because the amounts of the awards delineated in the Settlement Agreement, if awarded, would be insufficient to satisfactorily compensate Mr. & Mrs. Strapp. The way in which the Settlement Agreement is designed, it awards money for separate events but it failed to anticipate nor provide for the confluence of events by one claimant. Therefore, we applied pursuant to Matrix IX in order to compensate Mrs. Strapp for the combination of events...".

In addition, this appeal does not include any documents proving Appellant's eligibility for any of the benefits that she was seeking.

Because there was no evidence for the Special Master to consider, Appellant's appeal is hereby DISMISSED, and Appellee's February 10, 2004 Final Determination regarding Appellant's claim for EIF benefits is final and may not be further contested or appealed.

APR 26 2004

Date


Leo M. Spellacy, Sr., Esc
Special Master