

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:
Jay Stuedemann

(MDL No. 1401)

Judge Kathleen M. O'Malley

2003 JUN 10 AM 11:52
U.S. DISTRICT COURT
CLEVELAND

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Jay Stuedemann ("Appellant") appealed the decision of the Claims Administrator ("Appellee") in rendering a Final Determination dated March 26, 2003 on Appellant's claim for benefits from the Sulzer Settlement Trust.

Appellant timely appealed the decision of the Appellee, and contends that Appellee erred in its decision to award a net benefit amount of One Hundred Fifty Five Thousand Seven Hundred Fifty Three Dollars and Two Cents (\$155,753.02) to Appellant.

The factual findings of this matter are as follows:

1. Appellant timely submitted a valid Orange Form seeking APRS benefits.
2. On November 26, 2002 Appellee issued a Preliminary Determination that Appellant was entitled to APRS benefits in the amount of \$160,000.00 less an offset of \$6,289.19 for certain advance payments made by Sulzer directly to him before the Initial Insurance Proceeds Delivery Date.
3. On December 30, 2002 Appellant contested the offset applied to his APRS benefits, alleging that \$1,993.61 of the offset was related to medical bills and \$4,295.58 was for travel expenses.
4. On March 26, 2003 Appellee issued a Final Determination reducing the offset to \$4,246.98.
5. Appellant has produced no evidence that the \$4,246.98 offset does not correspond to an advance payment made by Sulzer to Appellant, that Appellee has not produced the requisite supporting documentation for the offset, or that the offset was incorrectly applied.

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Notice of Special Master Determination

Jay Stuedemann

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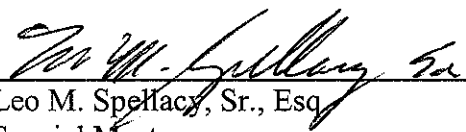
After a thorough review of the appeal submitted by the Appellant and the response submitted by the Appellee, the Special Master finds as follows:

The Appellee did not abuse his discretion in reducing the offset to \$4,246.98. Sulzer, as required by CAP 7, provided to the Claims Administrator copies of invoices from each payment made to Appellant. Appellant contests neither that he received the advance payment nor that the advance payments were for non-medical purposes.

By order of the Special Master, Appellee's Final Determination of One Hundred Fifty-Five Thousand Seven Hundred Fifty-Three Dollars and Two Cents (\$155,753.02) is hereby AFFIRMED.

Appellant and Appellee have fifteen days from the date of this decision to submit to the Court a fact or principle they believe the Special Master did not consider in rendering a decision. If no response is received by June 25, 2003, then the Special Master's Decision is final and may not be further contested or appealed.

June 10, 2003
Date


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