

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:*  
*Lela Theriot*  
*Claim Number:*

(MDL No. 1401)

Judge Kathleen M. O'Malley

2003 JUN 10 AM 11:52

CLEVELAND

**NOTICE OF SPECIAL MASTER DETERMINATION**

Class Member Lela Theriot ("Appellant") appealed the decision of the Claims Administrator ("Appellee") in rendering a Final Determination dated April 10, 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 Zero Dollars (\$0.00) to Appellant.

The factual findings of this matter are as follows:

1. Appellant timely submitted a Blue Form seeking Unrevised APR benefits and an Orange Form seeking APRS benefits on June 14, 2002.
2. Appellant's Unrevised APR Claim was based on her being implanted with a Reprocessed Inter-Op Shell.
3. On February 26, 2002 Appellant underwent a non-removal surgery.
4. On December 23, 2002 Appellee issued a Preliminary Determination that Appellant was ineligible for Unrevised APR benefits because she is a member of Subclass V which subclass is not eligible for Unrevised APR benefits. That same Preliminary Determination also denied Appellant's claim for APRS benefits because she has not undergone an APRS.
5. On April 10, 2003 Appellee issued a Final Determination denying Appellant Unrevised APR benefits because she is a member of Subclass V and APRS benefits because she has not undergone an APRS.

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Notice of Special Master Determination

Lela Theriot

Claim Number:

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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:

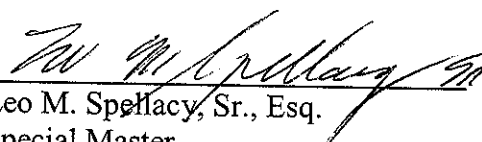
The decision of Appellee is supported by credible and proclative evidence. Since Appellant underwent a non-removal surgery she is not eligible for APRS benefits. Her claim for Unrevised APR benefits was denied because she is a member of Subclass V and ineligible for Unrevised APR benefits.

While Appellant is not eligible for the benefits claimed, she may be eligible for Green Form Matrix Level II (Non-Removal Surgery) Extraordinary Injury Fund benefits. Appellant may inquire of Class Counsel at (800) 475-1189 to determine her eligibility for those benefits.

By order of the Special Master, Appellee's Final Determination of Zero Dollars (\$0.00) 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