

**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>Gilbert Tyler</i>	)	
	)	<b>Judge Kathleen M. O'Malley</b>

**NOTICE OF SPECIAL MASTER DETERMINATION**

Class Member Gilbert Tyler, by and through his attorney Robert T. Joyce, Esq. of the Joyce and Reyes Law Firm (“Appellant”), appealed the decision of the Claims Administrator (“Appellee”) in rendering a Final Determination dated January 21, 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 I and IX benefits.

The factual findings of this matter are as follows:

1. Appellant submitted a claim for EIF Matrix Level I and IX benefits.
2. Appellee issued Preliminary and Final Determinations that Appellant was not eligible for EIF Matrix Level I and IX benefits.

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LIABILITY LITIGATION**

Notice of Special Master Determination

Gilbert Tyler

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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.

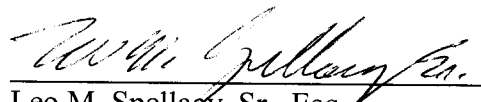
Appellant has not submitted an appeal that conforms to the requirements of CAP 30. His appeal does not identify a provision of the Settlement Agreement or CAP in support of his claim, it contains no narrative explanation of why the Claims Administrator's Final Determination is in error, nor does it contain proof of his eligibility for benefits.

Because there was absolutely no information provided 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 Matrix Level I and IX claim is final and may not be further contested or appealed.

**2 26 2004**

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Date

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