

**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>Michael Viernow</i>)	
)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Michael Viernow, by and through his attorney Kent E. Snider, Esq. of the Law Firm Snider, Coggins & Larreau (“Appellant”), appealed the decision of the Claims Administrator (“Appellee”) in rendering a Final Determination dated December 30, 2003 on Appellant’s claim for 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 APRS and EIF benefits.

The factual findings of this matter are as follows:

1. Appellant submitted claims for APRS and EIF benefits on September 3, 2003.
2. Appellant was deemed eligible for APRS benefits and his first APRS payment was issued on February 19, 2003.
3. Appellant was deemed eligible for EIF Matrix Level IV benefits for an abductor mechanism disruption.
4. Appellee issued Preliminary and Final Determinations that Appellant was not eligible for EIF benefits for heterotopic ossification, or for a permanent injury due to infection.

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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.

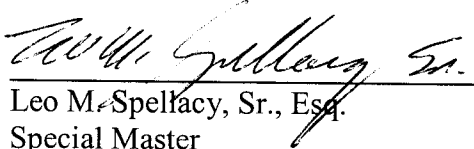
Appellant has not submitted an appeal that conforms to the requirements of CAP 30. His appeal does not identify a provision of the Settlement Agreement or CAP in support of his claim, it contains no narrative explanation of why the Claims Administrator's Final Determination is in error, nor does it specify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

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, Appellee's Final Determination of ineligibility for Appellant's claim for EIF benefits for heterotopic ossification and for a permanent injury due to infection is final and may not be further contested or appealed.

MAR 26 2004

Date


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