

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED

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RECEIVED DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

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>Billy L. Watts</i>)	
<i>Claim Number: 411964230</i>)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Billy L. Watts ("Appellant"), appealed the decision of the Claims Administrator ("Appellee") in rendering a Final Determination dated April 23, 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 award Settlement benefits in the amount of Zero Dollars (\$0.00) to Appellant.

The factual findings of this matter are as follows:

1. Appellant submitted a Yellow Form seeking Derivative Claimant benefits on May 20, 2002.
2. In his Yellow Form submission, Appellant checked the box indicating that he was the significant other of his associated APR. Appellant did not indicate that he was the spouse, at common law or otherwise, of his associated APR.
3. On December 20, 2002 Appellee issued a Preliminary Determination that Appellant was not eligible for Settlement benefits because he had not proven that he was a Significant Other within the meaning of CAP 26.
4. Appellant submitted a letter dated January 7, 2003 contesting the Preliminary Determination.
5. On April 23, 2003 Appellee issued a Final Determination that Appellant was not eligible for Settlement benefits because he had not proven that he was a Significant Other pursuant to CAP 26.

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

Notice of Special Master Determination

Billy L. Watts

Claim Number: 411964230

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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:

Appellee did not abuse his discretion in denying Appellant's request for Settlement benefits as a Derivative Claimant.

Appellant asserts that he is entitled to benefits as the Significant Other of an Affected Product recipient.

CAP 26 defines a "Significant Other" as a person who is the sole domestic partner for the associated APR, who cohabitates with an APR, who is not a blood relative, and for whom some legal impediment exists to marriage.

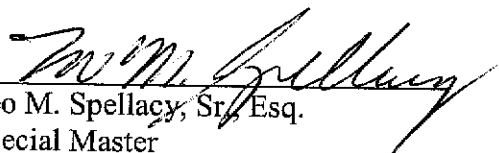
Appellant claims he was prevented from marrying because of the recovery process of the associated APR, and this qualifies under the definition.

Appellant qualifies under all the terms of CAP 26 with the exception that there existed a legal impediment to marriage. The recovery of the associated APR is not a legal impediment to marriage.

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 file with the Court, for the Special Master's review, a fact or principle they believe the Special Master did not consider in rendering a decision. If no response is received by July 23, 2003, then the Special Master's Decision is final and may not be further contested or appealed.

July 8, 2003
Date


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