

**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>Sharon White</i>)	
)	Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Sharon White, by and through her attorney Heather A. Foster, Esq. of the Law Firm Loeff, Cabraser, Heimann & Bernstein ("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 IX benefits.

The factual findings of this matter are as follows:

1. Appellant submitted a claim for EIF Matrix Level III, IV and IX benefits.
2. Appellant has been deemed eligible for Matrix Level III benefits for her NAPRS of August 9, 2001, and Matrix Level IV benefits for dislocations of September 21, 2001 and October 6, 2001.
3. Appellant also seeks Matrix Level III benefits for an alleged ANAPRS of March 25, 2002 and Matrix Level IX benefits for an alleged August 24, 2001 to August 28, 2001 hospitalization.
4. Appellee issued Preliminary and Final Determinations that Appellant was not eligible for EIF Matrix Level III benefits for her March 25, 2002 surgery and Matrix Level IX benefits for her August 24, 2001 to August 28, 2001 hospitalization.

**IN RE: SULZER HIP PROSTHESIS
AND KNEE PROSTHESIS PRODUCT
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Notice of Special Master Determination

Sharon White

Page 2 of 2

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

Appellant has not appealed the Final Determination regarding her EIF Matrix Level III claim for her surgery of March 25, 2002. Therefore, Appellee's Final Determination of ineligibility regarding that claim is final and it may not be further contested or appealed.

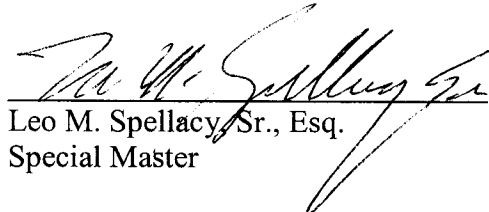
CAP 30 §3 requires that a Class member who desires to note an appeal must submit a document that identifies the provision of the Settlement Agreement or CAP that supports his or her claim, attach a narrative explanation in support of his or her position, and submit copies of any documents previously 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. Her appeal does not include any documents proving her eligibility for benefits. There were no medical records submitted relating to her August 24, 2001 to August 28, 2001 hospitalization, no medical records indicating why she was hospitalized, or evidencing that the hospitalization was related to her NAPRS.

Because there was no evidence for the Special Master to consider, Appellant's appeal is hereby DISMISSED, and Appellee's January 21, 2004 Final Determination of ineligibility for Appellant's claim for EIF benefits is final and may not be further contested or appealed.

MAY 04 2004

Date


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