

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: SULZER HIP PROSTHESIS)
AND KNEE PROSTHESIS PRODUCT) Civil Action No.: 01-CV-9000
LIABILITY LITIGATION) ALL CASES
)
This document relates to:) (MDL No. 1401)
Carla Winder)
)
) Judge Kathleen M. O'Malley

NOTICE OF SPECIAL MASTER DETERMINATION

Class Member Carla Winder, by and through her attorney Nancy P. Adel, Esq. of the Law Firm Adel & Pollack ("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.

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. Her appeal does not identify the provision(s) of the Settlement Agreement or CAP that supports her claim.

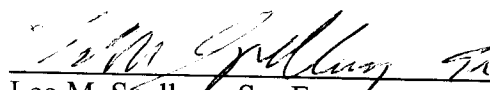
In addition, despite submitting voluminous documents with her appeal, not one of those documents proves her eligibility for benefits.

Appellant did not submit even one medical record from after her revision surgery. There is absolutely no evidence that her being unable to work, her difficulty walking without a cane, her limp or her leg length discrepancy are the result of her APRS. In fact, a doctor's note from September 18, 2001, prior to her APRS, states "She ambulates with a left sided limp. Leg lengths measure ½ cm lengthening on the left as compared to the right."

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.

JUN 15 2004

Date


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