

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re: SULZER ORTHOPEDICS INC. : MDL DOCKET NO. 1401  
HIP PROSTHESIS AND KNEE : Case No. 1:01-CV-9000  
PROSTHESIS PRODUCTS :  
LIABILITY LITIGATION : JUDGE KATHLEEN O'MALLEY

THIS DOCUMENT RELATES TO: :

*Teperson v. Centerpulse, Inc., et al.*, :  
District Court of Harris County, Texas, :  
11th Judicial District, No. 2001-54807 :

:

**MOTION TO ENFORCE AGREEMENT TO SETTLE AND REVOKE OPT-OUT**

On May 28, 2002, Sulzer orally settled all of Graham Hill's opt-out claims, including the claim of David Teperson. In exchange, Mr. Hill agreed that his opt-out clients would revoke their opt-out forms and return to the settlement class. This agreement provided the very basis for Sulzer's decision to accept the global class-action settlement. Now, Mr. Hill erroneously claims that Mr. Teperson's case was not settled. Accordingly, Sulzer now moves this Court for an order enforcing the settlement agreement and requiring Mr. Teperson to return to the settlement class. The facts and law fully supporting this Motion are set out in the accompanying Memorandum in Support.

Respectfully submitted,

**SHOOK, HARDY & BACON LLP.**

By: 


David W. Brooks

One Kansas City Place  
1200 Main Street  
Kansas City, Missouri 64105-2118  
Telephone: (816) 474-6550  
Facsimile: (816) 421-5547

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that on July 7, 2003, a copy of the foregoing **Motion to Enforce Agreement to Settle and Revoke Opt-Out** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

  
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Attorney for Defendant