

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: SULZER HIP PROSTHESIS : Case No. 1:01-CV-9000
AND KNEE PROSTHESIS : (MDL Docket No. 1401)
LIABILITY LITIGATION :
: JUDGE KATHLEEN M. O'MALLEY
:
:
: (This Document Relates to All Cases)

**PRELIMINARY SUMMARY NOTICE OF
CLASS ACTION AND PROPOSED SETTLEMENT**

**TO: ALL CITIZENS OR RESIDENTS OF THE UNITED STATES WHO HAVE HAD
PLACED IN THEIR BODIES EITHER A SULZER INTER-OP™ ACETABULAR
SHELL HIP IMPLANT OR A SULZER Natural Knee II® TIBIAL BASEPLATE KNEE
IMPLANT.**

**Read this notice carefully. You may be entitled to share in the settlement proceeds of a
class action lawsuit. Your rights to money and other benefits may be affected.**

**This is not a lawsuit against you. You are not being sued. This is a notice of proposed
class action settlement. In the following summary notice, you are given important information
that will help you decide whether you would like to participate in this class action settlement.**

If you have had placed in your body either a hip implant or knee implant manufactured by Sulzer and containing either an affected Inter-Op™ Acetabular Shell or Natural Knee II® Tibial Baseplate, please read this entire Notice carefully. It affects your rights. This Notice will summarize the claims in the case, the parties to the litigation, and the status of the litigation.

A Final Notice will be distributed in January 2002, which will provide additional information so that Class Members can make an intelligent decision whether to remain a member of the Class and be bound by the Final Judgment, or to opt out of the settlement.

On _____, 2001, the United States District Court for the Northern District of Ohio issued an Order provisionally certifying a class and granting preliminary approval of the Settlement Agreement.

THE NATURE OF THIS LAWSUIT

On December 8, 2000, Sulzer Orthopedics Inc. announced the voluntary recall of certain Inter-Op™ Acetabular Shells used to make hip implants. A subsequent May 17, 2001 “Special Notification” announced the company’s removal from the market of certain Natural Knee II® Tibial Baseplates, used to make knee implants. The two products were manufactured using the same process. A number of individuals have filed lawsuits against Sulzer Orthopedics Inc., Sulzer Medica Ltd., Sulzer Orthopedics Ltd. and various affiliates (collectively “Sulzer”) for defectively designing, marketing and manufacturing both the Inter-Op™ Acetabular Shells and the Natural Knee II® Tibial Baseplates. Plaintiffs have also alleged that Sulzer has breached express and implied warranties associated with both affected products.

This Notice is to advise Class Members that: (1) the United States District Court for the Northern District of Ohio provisionally certified a class composed of all persons who received an affected implant;

(2) the Court also preliminarily approved a proposed settlement between all class members and Sulzer Medica Ltd., Sulzer Orthopedics Inc. and affiliated entities; (3) a hearing on the fairness of this settlement has been scheduled for March 12, 2002, at 10:00 a.m. at the Howard M. Metzenbaum U.S. Courthouse, 201 Superior Avenue, Cleveland, Ohio, 44114; and (4) a Final Notice will be sent out in January 2002, which will provide Class Members with additional information regarding their right and opportunity to appear at this fairness hearing, to comment in person or in writing on the fairness, adequacy, and reasonableness of the settlement, and their right to opt-out of the proposed settlement in this matter. **The deadline for opt-outs and objections will be March 2, 2002.**

FURTHER INFORMATION AVAILABLE

The description in this Summary Notice is a Preliminary Notice only, and does not provide a complete statement of the class action or proposed settlement. A Final Notice will be distributed in January 2002. A copy of a more complete Notice may be obtained on the website www.sulzerimplantsettlement.com. Any questions you have about the matters discussed in this Notice should **not** be made to the Court, but should instead be directed to Plaintiffs' Class Counsel:

Plaintiffs' Liaison Counsel
In Re Sulzer Litigation
1600 Midland Building
101 Prospect Avenue, W.
Cleveland, OH 44115
1-800-683-1861

Certain of the pleadings and other papers filed in this action are also available for inspection at the office of the Clerk of the Court, Howard M. Metzenbaum U.S. Courthouse, 201 Superior Avenue, Cleveland, Ohio 44114.

You should not contact the Court regarding this Notice.

Dated: _____, 2001

By Order of The Honorable Kathleen M. O'Malley,
Judge of the United States District Court for the
Northern District of Ohio

Clerk, United States District Court