

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: : Case No. 01-CV-9000
: :
SULZER HIP PROSTHESIS AND : MDL Docket No.: 1401
KNEE PROSTHESIS PRODUCT : :
LIABILITY LITIGATION : Judge Kathleen M. O'Malley
: :
This Document Relates to All Cases :

SECOND AMENDMENT TO CLASS ACTION SETTLEMENT AGREEMENT

It is hereby stipulated and agreed between the parties to the Class Action Settlement Agreement dated March 13, 2002 ("Settlement Agreement") and the Claims Administrator that the Settlement Agreement shall be amended as follows:

1. Section 3.7 is amended to add the following:

“(c) In the event of funding shortfall in the EIF, the Claims Administrator, with approval of the Court and after conferring with Class Counsel and the Special State Counsel Committee, shall reduce the benefits payable pursuant to Matrix Levels III through VIII to meet the shortfall before making any reduction in benefits payable to Class Members who qualify for payment pursuant to Matrix Levels I and II.”
2. Annex IV, Matrix Level I, in both the Hip and Knee Matrices, is amended to provide that Class Members who are eligible to receive benefits pursuant to Matrix Level I, but who do not suffer a diminished life expectancy as a result of the medical condition(s) that are preventing those Class Members from undergoing a revision surgery, may be eligible to receive additional benefits pursuant to Matrix Level IX.

The Settlement Agreement and First Amendment to Class Action Settlement Agreement shall remain the same in all other respects.

IN WITNESS WHEREOF, the Parties, through their counsel, have duly executed this Second Amendment to Class Action Settlement Agreement dated as of March 13, 2002 on this

3rd day of day of May, 2002.

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