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December 6, 2001

Ms. Alison Thorburn
One Woodward Avenue
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Detroit, MI 48226-3499

RE: Megna vs. Sulzer Orthopedics, et al
Case No. 01-106628
Our File No. M207-10521

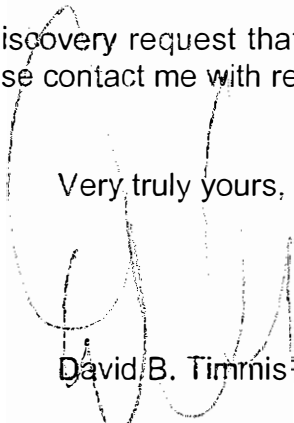
Dear Ms. Thorburn:

I appreciate your December 4, 2001 correspondence. I understand that the November 29, 2001 challenge to the Court's September 17, 2001 Order "was voluntarily dismissed leaving the injunction in full force and effect". You also enclosed what I believe to be another copy of the Court's September 17, 2001 MEMORANDUM AND ORDER.

In reviewing the Court's MEMORANDUM AND ORDER, it became clear to me that given the position taken by Sulzer Orthopedics, Inc. and Intermedics Vreede, Inc., that the injunction does not apply to my client or his claim. The Defendants have taken the position that the recall did not apply to the product that was implanted in my client. Please allow this correspondence to serve as my request for concurrence in a Motion to Lift Stay with regard to my client's claim.

I have also included a discovery request that relates to other individual claims, that are outside the recall. Please contact me with regard to these issues.

Very truly yours,


David B. Timmis

DBT/mj
Enclosure