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STEVEN S. CULLEN
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May 9, 2002

Ms. Margurite McNeill
1008 S. Farmer Avenue
Tempe, Arizona 85281

Re: McNeill v. Sulzer

Dear Ms. McNeill:

The Fairness Hearing started Monday, May 6, 2002 and continued into Tuesday. The Fairness Hearing concluded just before noon, Tuesday, May 7, 2002. As you know, the purpose of a fairness hearing is to determine if the proposed settlement represents a fair, adequate and reasonable resolution of the dispute, and if the class certification is appropriate. In addition, the fairness hearing provides an opportunity any who may oppose the proposed settlement to be heard by the Court.

At this hearing, Plaintiffs' Class Counsel and Sulzer presented evidence attempting to establish to the Court that the settlement agreement is fair, reasonable, and adequate. Twelve witnesses were called to testify. Not one person spoke out against the settlement. The evidence presented included the testimony of experienced class action attorneys, as well as other experts, including a board certified orthopedic surgeon, Dr. Victor Goldberg.

These witnesses discussed various aspects of the settlement agreement, the lengthy negotiation process involved in obtaining the settlement, and the vast amount of legal and factual research conducted by the parties. The witnesses also discussed the risks involved should the Court not approve the settlement, including, but not limited to: the likelihood of bankruptcy, resulting in significant delay and cost to claimants; the difficulty of enforcing a U.S. judgment against Sulzer Medica Ltd, the Swiss "parent" company of Sulzer Orthopedics, Inc.; and the difficulty of obtaining and enforcing a U.S. judgment against Sulzer, AG, the Swiss "great-grandparent" company of Sulzer Orthopedics, Inc.

A lengthy brief prepared by class counsel was also submitted to the Court in support of the settlement. Four volumes of affidavits from various experts were also filed. The brief and supporting affidavits and declarations describe in great detail the facts and circumstances of the case and explain why the settlement is a fair one and in the best interests of those consumers and class members who have been harmed by Sulzer's conduct.

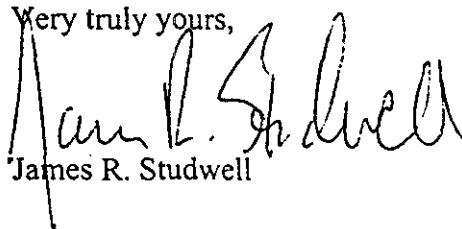
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Attorneys from the State Court committees, including counsel from Florida, Texas, California and New York, all testified that the settlement was a fair one. While the hearing also presented an opportunity for objectors to challenge the fairness of the settlement, a few objections were filed prior to the hearing. Two of these objections were from health care providers, Aetna and Cobalt (both companies paid medical bills for their insureds), but they withdrew their objections to the settlement last Friday. Most of the other objections were withdrawn as well. Thus, it is apparent that the overwhelming response to the proposed settlement agreement is favorable. As a result of that, and the prior nationwide meetings discussing the proposal, I personally remain convinced that this settlement agreement is in the best interests of all class members.

After all of that, the Court moved quicker than perhaps anyone expected and issued an Order on May 8, 2002, approving the settlement. However, it is important to remember that despite the fact that the Court approved the settlement, an appeal may result thereby delaying compensation and/or too many class members may opt-out allowing Sulzer to withdraw from the agreement. You will be interested to know that as of today, there have been about 50 "opt-outs." That is, 50 people have advised the Court that they want to be excluded from the settlement. Sulzer apparently remains quite concerned about the number of opt-outs. There was testimony Tuesday that the number of opt-outs remains "problematic." The opt-outs will be carefully reviewed by Sulzer in terms of quality and quantity, as well as on a jurisdictional basis, to determine if they present a threat to the settlement agreement. Even though the overall number of opt-outs is extraordinarily small, they still represent a threat to the final settlement. Efforts will be made in the next few days by the Claims Administrator to encourage these opt-outs to come back into the settlement.

Now that the Judge has made her decision, the final opt-out date is five (5) business days from that date, which is May 15, 2002 for people to exercise their opt-out rights. Then Sulzer will have five (5) more days to walk away from the deal. You have informed us that you do not wish to opt-out, and therefore as we previously discussed we will submit your claim under the settlement agreement. In the meantime, if you have any questions, please feel free to call.

Very truly yours,



James R. Studwell