

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re: § CASE NO. 00-CV-00005-DT
§ (Settlement Facility Matters)
DOW CORNING CORPORATION, §
§ Honorable Denise Page Hood
Reorganized Debtor §

SCHEDULING ORDER NO. 2
REGARDING CERTAIN DISPUTED LATE CLAIM REQUESTS (GROUP 2)

On January 19, 2006, the Court issued an Order approving certain Procedures for Determining Status of Late Claimants and Late Claim Requests (the "Procedures"). On June 30, 2006, Dow Corning Corporation and the Debtor's Representatives ("Dow Corning") and the Claimants Advisory Committee (the "CAC") (collectively, the "Movants") filed a Second Notice of Disputed Late Claim Requests and Proposed Scheduling Orders (the "Second Notice"), which identified for the Court certain Late Claim Requests that are in the Disputed Cause category under the Procedures. The Movants sent the Second Notice to all of the late claimants ("Late Claimants") (and to their counsel, if known to the Movants) whose Late Claim Requests are in such category (the "Disputed Requests"). The Late Claimants are listed on **Exhibit 1** attached hereto.¹ This Order shall govern further proceedings on the Disputed Requests through the Initial Status Conference described in paragraph 5 below.

1. **Objections: OCTOBER 6, 2006** is the deadline for the Movants to file Objections to the Disputed Requests and to send the Objections to the Late Claimants (and their counsel, if known to the Movants). With each Objection, the objecting party shall also serve a notice ("Notice") informing the Late Claimants of the deadline for written Responses to be received by the Court, as

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To maintain claimant confidentiality, a copy of Exhibit 1 will not be sent to the Late Claimants, but if you received this Scheduling Order No. 2, you are a Late Claimant and you are on Exhibit 1.

described in paragraph 2 below. The Notice will also inform the Late Claimants of the date, time and location of the Initial Status Conference described in paragraph 5 below.

2. **Responses: NOVEMBER 10, 2006** is the deadline for a Late Claimant to file a written Response to the Objection related to her/his Disputed Request.² **The Response must be received by the Court no later than November 10, 2006 at the following address:**

U.S. District Court
Dow Corning Litigation Unit
231 W. Lafayette
Detroit, MI 48226

Late Claimants must file their Responses on the form attached hereto as **Exhibit 2**. The Response must state in writing why the Late Claimant does not agree with the Objection and any additional reasons for lateness that the Late Claimant has not previously told the Court in writing. A Late Claimant or her/his counsel may file a legal memorandum in addition to a Response, but any such memorandum must be received by the Court at the foregoing address no later than November 10, 2006.

3. **Failure to File a Response: If the Court does not receive a Response from a Late Claimant by November 10, 2006**, either of the Movants may file a document with the Court stating that no Response was received. A copy of that document will be sent to the Late Claimant in question and to the Movants. Based on this document, **the Court may deny the relevant Disputed Request with prejudice (that is, the Court may permanently rule that the Late Claimant cannot**

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The CAC may file a response to an Objection, and Dow Corning reserves all rights with respect to any such response.

participate in the Dow Corning settlement program), or the Court may set a status conference for further proceedings.

4. **Replies: DECEMBER 8, 2006** is the deadline for Dow Corning and/or the CAC to file a Reply to any Response.

5. **Initial Status Conference; Initial Status Report; Scheduling Orders:** The Court will hold an Initial Status Conference on the Disputed Requests on **JANUARY 25, 2007 at 9:00 a.m.** in the courtroom of Judge Denise Page Hood, located on the second floor of the Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan. No later than **JANUARY 11, 2007**, the Movants shall file and send to the Late Claimants (and their counsel, if known to the Movants) an initial status report containing the following information: (a) the date the Objection was filed and sent to the Late Claimants or their counsel, (b) the identity of the Late Claimants who filed a Response and those who did not, (c) recommended scheduling orders, and (d) any other information or recommendation that may be helpful to the Court.

No later than **JANUARY 11, 2007**, the Movants shall send proposed scheduling orders to the Late Claimants (and their counsel, if known to the Movants). The proposed scheduling orders may set discovery deadlines and the date for a final hearing on each Objection. ***A Late Claimant, or counsel for a Late Claimant, is not required to attend the Initial Status Conference if she/he consents to the proposed scheduling order for her/his Disputed Request.***

6. **Final Hearing Dates.** Final hearing dates with respect to the Disputed Requests will be determined at the Initial Status Conference and set forth in scheduling orders that will be served on all parties.

Dated: September 20, 2006_____

/s/ DENISE PAGE HOOD
Denise Page Hood
United States District Judge

EXHIBIT 1

EXHIBIT 1

Claimants in Disputed Cause Category

<u>Last Name</u>	<u>First Name</u>	<u>Case Number</u>	<u>Late Claim Request ID</u>
Abel	Doreen	06-12923	A501
Anderson	Lisa	06-12924	A413
Angle	Elizabeth	06-12925	A429, A468
Atkinson	Linda	06-12926	A405
Averill	Jane	06-12928	A436
Backer	Wanda	06-12929	A357
Bradford	Kris	06-12930	A333
Brinton	Margaret	06-12931	A465
Buchanan	Sookhi	06-12932	A383
Caldwell	Carol	06-12933	A445
Carpenter	Carolyn	06-12934	A431, A475
Carver	Nancy	06-12935	A369, A384
Charland	Marilyn	06-12936	A394, A402
Charland	Valeri	06-12937	A492
Chaulk	Cynthia	06-12938	A417
Cicccone	Lorraine	06-12939	A359
Coleman	Leann	06-12940	A430
Crawford	Cynthia	06-12941	A343
Danysz	Magda	06-12942	A439a
Darling	Janice	06-12943	A406
Davis	Janice	06-12944	A391
DePrimo	Marie	06-12945	A335
Diaz	Amparo	06-12946	A484
Edwards	Janet	06-12947	A435
Edwards	Peggy	06-11337	A3
Farar	Elizabeth	06-12948	A469
Freeman	Sandra	06-12949	A356
Gagliardi	Linda	06-12950	A446
Gajentan	Joanne	06-12951	A337, A355
Garcia	Blanca	06-12952	A374
Goldston	Julie	06-12953	A338
Gravlin	Patricia	06-12954	A347
Green	Donna	06-12955	A332
Green	Laurie	06-12956	A488
Grego	Nancy	06-12958	A400
Hargis	Johnelle	06-12959	A419
Hart	Sally	06-12960	A360
Hill	Mary	06-12961	A457
Hippenhammer	Linda	06-12963	A370
Hisoire	Carolyn	06-12964	A499
Hollis	Sharon	06-12965	A375, A412
Hutchinson	Patricia	06-12966	A464
Johnson	Kymme	06-12967	A485
Kaat	Mildred	06-12968	A416

Kale	Joan	06-12969	A471
Kilborn	Shary	06-12971	A361
Knapp	Deborah	06-12972	A424, A433
Lackey	Carolyn	06-12973	A442
Levitan	Colleen	06-12974	A382, A458
Lingo	Carol	06-12976	A502
Masson	Florence	06-12977	A389
Mazan	Cherie	06-12978	A401, A441
McFarland	Dolores	06-12979	A489
McGuckin	Kay	06-12980	A418
McNulty	Lisa	06-12981	A498
McQueen	Judy	06-12982	A368
Milne	Susan	06-12983	A409
Muse	Linda	06-12985	A437
Music	Lynda	06-12986	A508, A517
Neff	Katrina	06-12987	A451
Neufeld	Arlene	06-12988	A407
Noonan	Dawn	06-12989	A393
Nunnink	Jan	06-12990	A399
Olsen	Jan	06-12991	A349
Peterson	Victoria	06-12992	A439b
Petrole	Linda	06-12993	A507
Pierce	Sally	06-12994	A443
Piper	LaVeta	06-12995	A470
Podunavac	Joan	06-12996	A345
Potter	Janette	06-12997	A503
Price	Susan	06-12998	A447, A450
Ratliff	Connie	06-12999	A331
Register	Jeanette	06-13001	A342
Rice	Helen	06-13002	A504
Riggin	Mona	06-13003	A386
Rogers-Duffield	Linda	06-13004	A415
Roller	Emeila	06-13005	A362
Seegert	Mary	06-13006	A425
Shyanne	Tawnia	06-13007	A478
Simpson	Mona	06-13008	A334, A427
Slyman	Lynda	06-13009	A351
Smith	Alice	06-13011	A490
Smith	Tammy	06-13012	A487
Snyder	Shelly	06-13013	A341
Stover	Denise	06-13014	A476
Tennant	Ann	06-13015	A397
Veo	Mariane	06-13016	A411
Vergado	Linda	06-13017	A432
Vorhaben	Sherry	06-13018	A358
West	Sandra	06-13021	A483
White	Anne	06-13022	A495
Wright	Paula	06-13023	A455

EXHIBIT 2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:)
)
DOW CORNING CORPORATION,)
)
Reorganized Debtor)

*Place label with your
case number here*

**RESPONSE TO OBJECTION TO LATE CLAIM REQUEST
(SCHEDULING ORDER NO. 2)**

TO THE HONORABLE DENISE PAGE HOOD, UNITED STATES DISTRICT JUDGE:

- 1. Name of Late Claimant: _____
- 2. List all prior names you have used since 1991: _____

- 3. Who manufactured your implant(s): _____
- 4. What type of implant(s) do you have (breast, hip, knee, etc.): _____

- 5. Did you file a claim in the original breast implant global settlement (1994) in the MDL-926 case? _____ YES _____ NO

6. State below in detail all reasons you do not agree with the Objection filed to your Late Claim Request and any additional reasons (that you have not previously told the Court in writing) that you did not timely file a claim in the Dow Corning bankruptcy case by the applicable deadline.¹ Use additional paper if necessary. You may also attach any documents that you believe support your Late Claim Request.

¹The deadline for filing a Proof of Claim in the Dow Corning bankruptcy case was January 15, 1997 (or February 14, 1997 for foreign claimants), although the Bankruptcy Court allowed Proofs of Claim filed by November 30, 1999 to be considered timely. The deadline for submitting a Notice of Intent in the Dow Corning bankruptcy case was August 30, 2004.

