

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re: § VARIOUS CASES LISTED  
§ ON APPENDIX 1 ATTACHED HERETO  
DOW CORNING CORPORATION, § 00-00005 Settlement Facility Master Docket  
§ Honorable Denise Page Hood

**ORDER DENYING CERTAIN LATE CLAIM  
REQUESTS BASED ON INELIGIBLE IMPLANTS**

Now pending before the Court are the late claim requests that were received by the Court, the Claimants' Advisory Committee (the "CAC"), and Dow Corning Corporation and the Debtor's Representatives ("DCC") on or before December 29, 2005 (the "Group 1 Late Claims"). The Court has considered the Group 1 Late Claims, additional materials submitted by the Group 1 Late Claimants (including their Supplemental Statements, Responses, and accompanying documents), and the related objections and/or replies and exhibits filed by DCC and the CAC and, based thereon, the Court makes the following findings and conclusions:

A. Several of the Group 1 Late Claimants, who are identified on Appendix 1 attached hereto, indicated or produced documentation that their only implants were manufactured by 3M or McGhan. Implants by such manufacturers are not eligible for any benefits under the Plan from the Settlement Facility. Thus, even if these disputed Group 1 Late Claims were allowed, the late claimants would not be entitled to receive any compensation under the Plan from the Settlement Facility.

B. Several additional Group 1 Late Claimants, who are identified on Appendix 1 attached hereto, indicated or produced documentation that their only implants were manufactured by Bristol (including, without limitation, Surgitek, Meme, Replicon, or "polyurethane") and/or Baxter (including, without limitation, Heyer-Schulte or "polyurethane"). Under the Plan, claimants with such implants are required to marshal their recoveries against their implant manufacturer in either the Revised Settlement Program (the "RSP") in the MDL-

926 case or by individual lawsuit if they opted out of the RSP. Thus, even if these disputed Group 1 Late Claims were allowed, it is highly unlikely that such late claimants would receive any compensation under the Plan from the Settlement Facility.

C. The Court anticipates that the foregoing findings and conclusions would apply to all other similarly situated late claimants whose late claim requests were or are received by the Court, DCC and the CAC after the Group 1 Late Claims.

Based on the foregoing findings and conclusions, it is hereby ORDERED as follows:

1. All of the Group 1 Late Claims listed on Appendix 1 attached hereto are hereby DENIED with prejudice.<sup>1</sup>2. This Order shall be entered in each of the Group 1 Late Claimants' cases listed on Appendix 1 hereto. Upon entry of this Order in each case, such case shall be closed.

3. This Order shall not affect or establish any rights and/or eligibility, if any, that a Group 1 Late Claimant listed on Appendix 1 hereto may have in the RSP. Any such claimant who wishes to pursue a claim in the RSP may contact the claims administrator for the RSP at the following address: MDL Claims Administrator, P.O. Box 56666, Houston, TX 77256.

Dated: September 28, 2006

/s/ Denise Page Hood  
Denise Page Hood  
United States District Judge

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<sup>1</sup> The following Group 1 Late Claims are denied with prejudice for the additional reason that the late claimant: (1) did not file a Response by the deadline set forth in the Court's Scheduling Order No. 1 entered on May 15, 2006: Pamela Fields (05-32003), Leslye Langla (06-11389), Wanda Morris (06-11447), Peggy Murphey (06-11433), and Brittany Unkel (06-11356), or (2) filed a notice of withdrawal of her late claim request, asking the Court to dismiss such request with prejudice: Rebecca Haines (06-11382) and Marian Taylor (06-11466).

**APPENDIX 1**

<b><u>Last Name</u></b>	<b><u>First Name</u></b>	<b><u>Case Number</u></b>	<b><u>Implant Manufacturer</u></b>
Anderson	Terri	05-32008	Bristol (Surgitek)
Basinger	Mary	06-11414	McGhan Baxter (Heyer- Schulte)
Chandler	Sandra	06-11359	polyurethane
Coffey	Mellika	06-11402	Bristol (Surgitek)
Delfel	Carolyn	06-11473	Bristol
Fields	Pamela	05-32003	Bristol (Replicon)
Foster	Michelle	06-11490	Mentor & McGhan
Haines	Rebecca	06-11382	3M & McGhan Bristol (Surgitek) & 3M
Haner	Jenise	06-11481	McGhan
Janusky	Patricia	06-11445	Bristol (Surgitek & Replicon) & McGhan
Kaur	Avinash	06-11469	Baxter (Heyer- Schulte)
Kiehl	Judith	06-11361	Bristol (Surgitek)
Kirkland	Beverly	06-11346	Baxter (Heyer- Schulte)
Langla	Leslye	06-11389	Baxter
Llano	Karen	06-11338	3M & McGhan
Mayotte	Patricia	06-11450	Baxter (Heyer- Schulte)
McKnight	Molly	05-32010	McGhan
Mitzenmacher	Mikell	06-11460	3M
Morris	Wanda	06-11447	McGhan
Murphey	Peggy	06-11433	Bristol (Surgitek)
Olseen	Helen	06-11528	Bristol (Surgitek)
Ralston	Laura	06-11530	Bristol (Surgitek)
Rambo	Joyce	06-11381	McGhan & Bristol (Meme)
Taylor	Marian	06-11466	Baxter (Heyer- Schulte)
Ulrich	Susan	06-11545	Bristol (Surgitek)
Unkel	Brittany	06-11356	