

Filed: 3/27/2007
U.S. District Court
East Dist. of Mi Detroit

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

Settlement Facility Dow Corning Trust

DOW CORNING CORPORATION,

Reorganized Debtor,

**Civil Action No. 06-CV-12992
Honorable Denise Page Hood**

v.

VICTORIA PETERSON,

Movant.

**ORDER DIRECTING CLERK TO RETURN
ITEMS TO VICTORIA PETERSON**

The Court is in receipt of certain items from Victoria Peterson, specifically, implants and medical records. The only issue before the Court is whether Ms. Peterson's request to file a late claim before the Settlement Facility Dow Corning Trust ("Settlement Facility") should be allowed and be considered by the Settlement Facility. It is not necessary for the Court to inspect the actual implant or medical records to determine whether Ms. Peterson's late claim should be allowed.

The Local Rules of the Eastern District of Michigan provide that no discovery material shall be filed with the Court. E.D. Mich. L.R. 26.2. The current Scheduling Order governing this matter provides that an exhibit *list*, not an actual exhibit, must be filed by March 16, 2007. The Scheduling Orders entered by the Court in this matter contemplate arguments and evidence on the reasons why the claim was not timely filed. The issue of whether Ms. Peterson's implants are eligible for benefits under the Settlement Facility Plan cannot be determined until after Ms. Peterson's request to file a late claim has been resolved. Even if Ms. Peterson is allowed to file a late claim before the

Settlement Facility, the Settlement Facility, not this Court, initially reviews the claimant's medical records.

If Ms. Peterson wishes to use any of her medical records as evidence in this matter, the Scheduling Order should be followed to submit the appropriate evidence. Ms. Peterson may place on the list the items she submitted to the Court, including the implants with the appropriate identifiers of the implant. The Court does not require the actual implants be submitted as evidence. Additionally, the Court's Mail Room Policy makes it difficult for receipt of non-paper items, especially items which contain substances which cannot be readily identified by the Court's security or staff opening the mail. Should any of the parties wish to review the actual implants, they may make such a request directly to Ms. Peterson during the discovery period in this case.

The implants and the medical records will be returned to Ms. Peterson. Because the Court is aware that there may be chain of custody issue that may arise at a later time, none of the Court's staff member has taken any items out of the package, other than to determine the contents of the package.

Accordingly,

IT IS ORDERED that the Clerk return undisturbed all the items submitted by Ms. Peterson. Ms. Peterson may submit an exhibit list identifying the items submitted to the Court within fourteen (14) days from the date of this Order.

/s/ DENISE PAGE HOOD
DENISE PAGE HOOD
United States District Judge

DATED: March 27, 2007