

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:	§	CASE NO. 00-CV-00005-DT
	§	(Settlement Facility Matters)
DOW CORNING CORPORATION,	§	And Case Nos. Related to Attached Claims
	§	Honorable Denise Page Hood
Reorganized Debtor	§	

**SCHEDULING ORDER NO. 2 REGARDING  
CERTAIN DISPUTED LATE CLAIM REQUESTS (GROUP 4)**

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 December 29, 2006, Dow Corning Corporation and the Debtor's Representatives ("Dow Corning") and the Claimants Advisory Committee (the "CAC") (collectively, the "Movants") filed a Fourth Notice of Disputed Late Claim Requests and Proposed Scheduling Orders (the "Fourth Notice"), which identified for the Court certain Late Claim Requests that are in the Disputed Cause category under the Procedures. The Movants sent the Fourth 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. This Order shall govern further proceedings on the Disputed Requests through the Initial Status Conference described in paragraph 5 below.

1. **Objections: JULY 13, 2007** 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 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:** **AUGUST 17, 2007** is the deadline for a Late Claimant to file a written Response to the Objection related to her/his Disputed Request.<sup>1</sup> **The Response must be received by the Court no later than August 17, 2007 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 August 17, 2007.

3. **Failure to File a Response:** **If the Court does not receive a Response from a Late Claimant by August 17, 2007**, either of the Movants will 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 participate in the Dow Corning settlement program) without further notice or a hearing**, or the Court may set a status conference for further proceedings.

4. **Replies:** **SEPTEMBER 14, 2007** 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 **NOVEMBER 1, 2007**

---

<sup>1</sup>

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

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 **OCTOBER 18, 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 **OCTOBER 18, 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: May 22, 2007

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

# **EXHIBIT 1**

**Late Claimants in Disputed Cause Category**  
**(Group 4)**

<u>Last Name</u>	<u>First Name</u>	<u>Letter#</u>
Ackley	Dorothy	A903
Adlam	Theresa	A867
Adler	Patricia	A915
Asbury	Laura	A976
Baer	June	A871
Barone	Sala	A918, 940
Becker	Jill	A971
Bell	Dorothy	A924
Blanchard	Debora	A937
Blaser	Linda	A972
Bogart	Ilene	A894
Bowen	Donna	A963
Brady	Margaret	A909
Brannen	Connie	A981
Carbone	Linda	A987
Casey	Kathleen	A984
Ciotti	Shirley	A942
Coffin	Jo Anne	A902
Collum	Denise	A904
Cook	Mozella	A891
Cronk	Lyndsey	A872, 974, 991
Crump	Vanessa	A955
Dale	Laurel Doran	A934
DiMaggio	Lois	A945
Driscoll	Joan	A932
Ewoldt	Debby	A884
Gammell	Lori	A870
Gibbs	Celia	A990
Gillespie	Joan	A989
Hamilton	Donna	A887, 921, 922
Hamilton	Mary	A973
Hedlund	Janet	A959
Hess Walker	Cheryl	A943
Houde	Helene	A931
Hritsko	Christine	A982
Iglesias	Aleida	A900
Johnson	Margaret	A969
Lesnik	Patricia	A897
Liebowitz	Susan	A898
McBee	Cherie	A980
McClure	Pamela	A925
Moore	Kae	A914
Natale	Leonora	A907
O'Donnell	Sunan	A928
Permenter	Janet	A883
Petty	Sheila	A920

Phillips	Kelli	A913
Prather	Shirley	A968
Reece	Patsy	A992
Rockhold	Janice	A952
Rodrick	Linda	A983
Schulz	Phyllis	A958
Smith	Sharon	A927
Tallant	Martha	A941
Taylor	Cheryl	A910
Terriere	Bonnie	A874
Trotta	Lorraine	A985
Wright	Ginger	A868
Yates	Mary Jane	A954

## **EXHIBIT 2**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re: \_\_\_\_\_ )  
 )  
DOW CORNING CORPORATION, ) *Place label with your*  
 ) *case number here*  
 )  
Reorganized Debtor \_\_\_\_\_ )

**RESPONSE TO OBJECTION TO LATE CLAIM REQUEST  
(SCHEDULING ORDER NO. 2—GROUP 4)**

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.<sup>2</sup> Use additional paper if necessary. You may also attach any documents that you believe support your Late Claim Request.

\_\_\_\_\_

\_\_\_\_\_

<sup>2</sup> \_\_\_\_\_

The 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.

