

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

Settlement Facility Dow Corning Trust,
[REDACTED]

Case No. [REDACTED]
Honorable Denise Page Hood

Appellant.

ORDER DISMISSING APPEAL and WITHDRAWING MOTION TO DISMISS

[REDACTED] is a claimant before the Settlement Facility–Dow Corning Trust (“SF-DCT”) pursuant to the Amended Joint Plan of Reorganization (“Plan”) in the Dow Corning Corporation (“Dow Corning”) bankruptcy action. [REDACTED] claim was denied by the SF-DCT based on her failure to prove that Dow Corning manufactured her implants. [REDACTED] appealed the Claims Administrator’s decision to the Appeals Judge. The Appeals Judge affirmed the Claims Administrator’s decision on September 7, 2007. ([REDACTED] Notice of Appeal Ex.) [REDACTED] submitted a letter to the Court appealing the Appeals Judge’s decision filed on October 3, 2007.

On November 1, 2007, Dow Corning filed a Motion to Dismiss the Appeal pursuant to the Settlement Facility and Fund Distribution Agreement (“SFA”), Annex A, Section 8.05 and Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). On November 27, 2007, [REDACTED] submitted a letter withdrawing her appeal indicating that her claim was approved by the SF-DCT. On January 16, 2008, Dow Corning filed a Motion to Withdraw its Motion to Dismiss the Appeal.

Accordingly,

IT IS ORDERED that Dow Corning's Motion to Withdraw Dow Corning's Motion to Dismiss the Appeal (Doc. No. 4, 1/16/2008) is GRANTED.

IT IS FURTHER ORDERED that Dow Corning's Motion to Dismiss the Appeal (Doc. No. 2, filed 11/1/2007) is WITHDRAWN.

IT IS FURTHER ORDERED that the Appeal is WITHDRAWN and DISMISSED.

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

DATED: September 30, 2008

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on this date, September 30, 2008, by electronic means and/or first class U.S. mail.

S/Sakne Srour
Deputy Clerk