

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**In re:**

**DOW CORNING CORPORATION,  
Reorganized Debtor**

§  
§  
§  
§  
§  
§  
§

**Case No. 00-CV-00005 –DT  
(Settlement Facility Matters)**

**Hon. Denise Page Hood**

**ORDER SEALING EXHIBITS TO REPLY OF DOW CORNING CORPORATION AND THE DEBTOR’S REPRESENTATIVES TO THE RESPONSE OF THE CLAIMANTS’ ADVISORY COMMITTEE TO THE FINANCE COMMITTEE’S RECOMMENDATION AND MOTION FOR AUTHORIZATION TO MAKE SECOND PRIORITY PAYMENTS**

It is hereby ordered that the following exhibits to the Reply of Dow Corning Corporation and the Debtor’s Representatives to the Response of the Claimants’ Advisory Committee to the Finance Committee’s Recommendation and Motion for Authorization to Make Second Priority Payments are sealed:

1. Exhibit A, Reply Declaration of Paul J. Hinton and exhibits thereto;
2. Exhibit C, SF-DCT Letters Index.

Dow Corning Corporation and the Debtor’s Representatives (collectively, “Movants”) requested that the Court seal these exhibits because they contain information concerning confidential information of the Settlement Facility-Dow Corning Trust and confidential information concerning models prepared by the Independent Assessor, as well as proprietary work product analyzing that information. Courts in the Sixth Circuit have recognized that protecting privacy

rights of third parties, including those parties' financial or proprietary information, may justify the filing certain information under seal. *See Brown v. Williamson Tobacco Corp. v. Federal Trade Commission*, 710 F.2d 1165, 1179 (6th Cir. 1983); *Vitel Diagnostics, Inc. v. Bossardet*, 11-cv-14575, 2012 WL 6028428 (E.D. Mich. Oct. 12, 2012). Additionally, Section 10.10 of the Settlement Facility and Fund Distribution Agreement ("SFA") provides that

Copies of all documents, notices, statements, reports, projections, motions, or similar documents provided to any party or to the Claimants' Advisory Committee or the Debtor's Representatives under this Agreement shall be provided on a confidential basis and shall be kept confidential by all other such parties, Claimants' Advisory Committee or Debtor's Representatives unless such information is otherwise publicly available. Such confidential information provided under this Agreement can be used in any proceeding in the Court, the MDL 926 Court, the District Court or any applicable appellate court provided the party using such information takes reasonable steps to protect the confidential nature of the information.

The documents for which Movants seek a sealing Order fall within the scope of this provision and, accordingly, are subject to protected privacy interests. Public filing of the documents is likely to prejudice those interests.

For these reasons, Exhibits A and C should be sealed.

SO ORDERED.

15<sup>th</sup> of March, 2017.

s/ Denise Page Hood  
HON. DENISE PAGE HOOD  
CHIEF JUDGE