

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

<b>IN RE:</b>	§	<b>CASE NO. 00-CV-00005-DT</b>
	§	<b>(Settlement Facility Matters)</b>
<b>DOW CORNING CORPORATION,</b>	§	
	§	
	§	
<b>REORGANIZED DEBTOR</b>	§	<b>Hon. Judge Denise Page Hood</b>

**EXHIBIT M**

# **CLAIMANT INFORMATION GUIDE**

**DOW CORNING FOREIGN BREAST IMPLANT CLAIMANTS**

**(CLASS 6.2)**

**OPTIONS 1, 2, 3 & 4**

## SECTION 11 – Attorney Fees and Expenses

**Q10-8.** I moved since I sent my proof of claim to the Bankruptcy Court. Can I e-mail my new address to you or give it to you over the telephone?

No. Changes in address must be made in writing, signed by you or your attorney or representative. There is a place on your Claim Forms to indicate that your name, address or other personal information has changed since your last contact with the Bankruptcy Court or MDL Claims Office.

**Q10-9.** I sent my Proof of Claim form to the Bankruptcy Court in 1997. I have since married and changed my name. How can I update my file with my new married name?

Changes in name must be made in writing, signed by you or your attorney or representative. There is a place on your Claim Forms to indicate that your name, address or other personal information has changed since your last contact with the Bankruptcy Court or MDL Claims Office. If you have more than one (1) name change, please list all former names that are associated with your Social Security Number or Claim Number on a separate piece of paper and return this with your Participation Form or Claim Form.

## SECTION 11 – ATTORNEY FEES AND EXPENSES

**Q11-1.** What attorney fees are allowed on my settlement benefits?

Fees charged by an attorney cannot exceed the sum of —

1. 10% of the first \$10,000 (U.S.);
2. 22.5% of the next \$40,000 (U.S.); and
3. 30% of the amount in excess of \$50,000 (U.S.) paid.

**Q11-2.** Are attorneys fees allowed on the \$1,750 (U.S.) Explant Payment or the \$3,000 (U.S.) Increased Explant Payment?

No.

**Q11-3.** Are attorneys fees allowed on the \$700 (U.S.) Expedited Release Payment?

No, but certain expenses may be deducted as described in Q11-4.

**Q11-4.** What expenses can my attorney deduct from any payments I receive from the Settlement Facility?

Certain expenses — if allowable under applicable law and the individual arrangement between you and your attorney — can be charged against your payment if they are solely attributable to your claim or case. Chargeable expenses are limited to the following types of cost incurred on your behalf: medical evaluation expenses, expenses incurred in obtaining copies of your medical records, medical bills paid on your behalf, court costs, court reporter expenses, expert witness fees, expenses of medical witnesses, and travel costs incurred for depositions or court appearances in your case.

Q11-5. Can my attorney be reimbursed out of my \$1,750 (U.S.) Explant Payment or \$3,000 (U.S.) Increased Explant Payment for out-of-pocket expenses (s)he paid on my behalf? (These expenses were not related to my explantation surgery; they have to do with things like ordering copies of my medical records, delivery services, long-distance calls, and the like.)

No.

Q11-6. If my attorney paid more than \$1,750 (U.S.) to help me pay to have my breast implants taken out, is (s)he entitled to keep my \$1,750 (U.S.) Explant Payment

Yes, if your attorney paid that money for the surgery for which your Explant Payment was made and has not been reimbursed.

Q11-7. I had an attorney but now want to handle the claim myself. What do I need to do?

Write a letter to the Settlement Facility asking that your attorney be removed as the attorney of record. The Settlement Facility will notify the lawyer and (s)he may then assert a lien on any recovery you may receive. Be sure to put your full name and Claim Number on the letter. If your attorney continues to assert a claim for a fee for the earlier representation, any benefit check will be made jointly payable to you and your attorney.

Q11-8. If I choose to litigate against DCC Litigation Facility, Inc., how much can my attorney keep for fees?

Generally, the payment of your attorney's fees will be governed by the individual agreement between you and your attorney and any applicable law.

Q11-9. I opted out of the RSP or FSP, but I want to settle my claim for my Dow Corning breast implant in the Settlement Facility. What attorney fees will I be responsible for from my payment from the Settlement Facility?

Fees charged by an attorney cannot exceed the sum of:

1. 10% of the first \$10,000 (U.S.);
2. 22.5% of the next \$40,000 (U.S.); and
3. 30% of the amount in excess of \$50,000 (U.S). paid.

# **CLAIMANT INFORMATION GUIDE**

**DOW CORNING FOREIGN BREAST IMPLANT CLAIMANTS  
(CLASS 6.1)**

## SECTION 11 – ATTORNEY FEES AND EXPENSES

Q11-1. What attorney fees are allowed on my settlement benefits?

Fees charged by an attorney cannot exceed the sum of —

1. 10% of the first \$10,000 (U.S.);
2. 22.5% of the next \$40,000 (U.S.); and
3. 30% of the amount in excess of \$50,000 (U.S.) paid.

Q11-2. Are attorney's fees allowed on the \$3,000 (U.S.) Explant Payment?

No.

Q11-3. Are attorney's fees allowed on the \$1,200 (U.S.) Expedited Release Payment?

No, but certain expenses may be deducted as described in Q11-4.

Q11-4. What expenses can my attorney deduct from any payments I receive from the Settlement Facility?

Certain expenses — if allowable under applicable law and the individual arrangement between you and your attorney — can be charged against your payment if they are solely attributable to your claim or case. Chargeable expenses are limited to the following types of cost incurred on your behalf: medical evaluation expenses, expenses incurred in obtaining copies of your medical records, medical bills paid on your behalf, court costs, court reporter expenses, expert witness fees, expenses of medical witnesses, and travel costs incurred for depositions or court appearances in your case.

Q11-5. Can my attorney be reimbursed out of my \$3,000 (U.S.) Explant Payment for out-of-pocket expenses (s)he paid on my behalf? (These expenses were not related to my explantation surgery; they have to do with things like ordering copies of my medical records, delivery services, long-distance calls, and the like.)

No.

Q11-6. If my attorney paid more than \$3,000 (U.S.) to help me pay to have my breast implants taken out, is (s)he entitled to keep my \$3,000 (U.S.) Explant Payment?

Yes, if your attorney paid that money for the surgery for which your Explant Payment was made and has not been reimbursed.

SECTION 11 – Attorney Fees and Expenses

**Q11-7.** I was approved in the FSP for ACTD Level "A" at \$50,000 (U.S.). However, this amount was reduced to \$25,000 (U.S.) because I also had a silicone gel Dow Corning breast implant. My attorney received \$4,375 (U.S.) from the \$25,000 (U.S.) for his fees. Does the amount I recovered in the FSP count toward the attorney fee schedule in this settlement program or does the calculation start over at 10% of the first \$10,000 (U.S.)?

Your recovery from the RSP or FSP is included here for purposes of calculating your attorney fees. If you recovered the remaining \$25,000 (U.S.) on your ACTD "A" claim from the Settlement Facility, attorney fees would be calculated as follows: 10% of the first \$10,000 (U.S.) or \$1,000 (U.S.) in attorneys fees, plus 22.5% of \$40,000 (U.S.) or \$9,000 (U.S.). Thus, the total attorneys fees on your combined \$50,000 (U.S.) recovery are \$10,000 (U.S.). Since your attorney has already received \$4,375 (U.S.) in fees from your RSP or FSP award, (s)he would receive an additional \$5,625 (U.S.) in attorneys fees from your Dow Corning award.

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**Q11-10.** I opted-out of the RS or FSP, but I want to settle my claim for my Dow Corning breast implant in the Settlement Facility. What attorney fees will I be responsible for from my payment from the Settlement Facility?

Fees charged by an attorney cannot exceed the sum of:

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