

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 GRANTING MOTION TO DISMISS THE REQUEST OF [REDACTED]

Appellant [REDACTED] filed a letter to the Court dated April 21, 2008 seeking to be added to the group of claimants who have until 2019 to present valid proof of manufacturer for a Dow Corning product. Dow Corning Corporation ("Dow Corning") submitted a motion to dismiss the letter request noting that no action is required by the Court on Appellant's request. Appellant did not file a response to the motion.

Ms. [REDACTED] was an Eligible Late Claimant in the Agreed Order Allowing Certain Late Claimants Limited Rights to Participate in the Plan's Settlement Facility dated December 12, 2007 ("Agreed Order"). On March 31, 2008, the Court entered an Order dismissing this Case because the Court considered [REDACTED] as a Settling Late Claimant. (Doc. No. 5) On April 21, 2008, Ms. [REDACTED] filed the instant letter requesting to be added to a group of claimants who have until 2019 to present valid proof of manufacturer.

Dow Corning claims that the deadline for submission of a Proof of Manufacturer Form is January 29, 2009, which is stated in the Agreed Order. Dow Corning notes that if needed, a claimant will have additional time to cure a deficiency. The Settlement Facility-Dow Corning Trust ("SF-DCT") interprets the Plan to allow claimants to cure a proof of manufacturer deficiency until

2019, which is the end of the program. Dow Corning argues that Ms. [REDACTED] request is already fulfilled by the terms of the Agreed Order and the Plan.

Because Ms. [REDACTED] did not respond to the motion, the Court assumes Ms. [REDACTED] does not object to the motion. Based upon a review of the motion and the documents submitted to the Court, it appears that Ms. [REDACTED] is bound by the terms of the Agreed Order. It also appears to the Court that if Ms. [REDACTED] timely filed a Proof of Manufacturer by January 29, 2009, the Plan allows claimants to cure a proof of manufacturer deficiency until 2019. Ms. [REDACTED] request is therefore moot.

Accordingly,

IT IS ORDERED that Dow Corning's Motion to Dismiss the Request of [REDACTED] (Doc. No. 7, filed May 16, 2008) is GRANTED.

/s/ Denise Page Hood
DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

Dated: March 27, 2009

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on this date, March 27, 2009, by electronic means and/or first class U.S. mail.

S/Sakne Srour
Deputy Clerk