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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED

JUL 22 2004

CLERK'S OFFICE
U.S. DISTRICT COURT
EASTERN MICHIGAN

In re:

DOW CORNING CORPORATION,

Reorganized Debtor.

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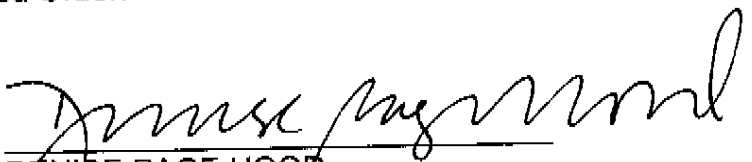
CASE NO. 00-CV-00005-DT
(Settlement Facility Matters)

Honorable Denise Page Hood

**AGREED ORDER ADOPTING Q&A'S REGARDING ARTICLE IX
OF ANNEX A, THE CLAIMS RESOLUTION PROCEDURES**

Article IX of the Claims Resolution Procedures, Annex A to the Settlement Facility and Fund Distribution Agreement, contains certain provisions regarding allowable attorneys' fees and expenses from recoveries of claimants who retained individual counsel in the Settlement Option. Questions and Answers ("Q&A's") concerning the interpretation of Article IX were developed and included in the claim form packages that were mailed in February 2003. The Court, having consulted with the Claimants' Advisory Committee, Debtor's Representatives, and Claims Administrator, concerning additional clarifying Q&A's on allowable fees and expenses, hereby enters this Order approving the Q&A's attached as Exhibit 1 to this Agreed Order.

DATED: JUL 22 2004


DENISE PAGE HOOD
United States District Judge

So Stipulated:

FOR DOW CORNING CORPORATION

FOR THE CLAIMANTS' ADVISORY
COMMITTEE

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EXHIBIT 1

- Q1. What expenses can my attorney deduct from my \$5,000 Explant Payment?
- A. Your attorney may be reimbursed in only the following two categories. If your attorney advanced funds for your implants to be removed, he or she may be reimbursed from your Explant Payment. He or she may also be reimbursed for expenses incurred in obtaining copies of your medical records needed for your Explant Claim. Reimbursement is limited to only these two categories and your attorney may not deduct any other expenses from your Explant Payment.
- Q2. What expenses can my attorney deduct from any other payments I might receive?
- A. Certain expenses - if allowable under applicable state law and your arrangement with your attorney - can be charged against your other payment(s) (e.g., Rupture, Disease, Expedited Release), if they are solely attributable to your claim or case. Permissible expenses that can be deducted are limited to the following types: (1) expenses for medical evaluation, (2) expenses incurred in obtaining copies of your medical records, (3) medical bills paid on your behalf, (4) court costs, (5) expenses for court reporter, (6) fees and expenses for expert witness and medical witness, (7) travel expenses for depositions or court appearances in your case, (8) expenses for internal and external copying of materials directly related to your case, (9) long-distance telephone charges related to your case, and (10) express delivery charges related to your case.
- Q3. I have agreed to submit my claim in the Settlement Option. My attorney wants to charge a fee that is higher than the fee limits contained in the Settlement Option. Is this allowed?
- A. No. Attorney fees and expenses for claimants participating in the Settlement Option are limited as described at Article IX in Annex A, the Claims Resolution Procedures, and as set forth in the Claimant Information Guide (CIG).
- Q4. I am an attorney and represent numerous clients who have received payment in the Settlement Option. Q11-4 in the Class 5 Claimant Information Guide states that I can deduct certain expenses if they are "solely attributable" to a client's claim or case. What does "solely attributable" mean? Can I deduct expenses for a deposition that related to five of my clients?

A. "Solely attributable" means that the expense incurred must have been specific to a client or several clients. For example, if a deposition was taken of an expert that was designated for a specific case or specific clients, then the costs of that deposition may be shared as a deductible expense from each of the specific clients unless this expense was reimbursed through the Common Benefit Fund in MDL 926.

Q5. What is the difference between attorney fees and expenses? Are there limits on how much an attorney can deduct in expenses from my award?

A. Attorney fees and attorney expenses are two separate and distinct things. Attorney fees are for legal work and time spent by your attorney or others in his/her office working on your claim. Attorney fees are limited for those claimants who elect the Settlement Option. The limits are described in Section 11 of the Claimant Information Guide booklet (for Classes 5 and 6.1 claimants).

Expenses are for things your attorney has paid out of his/her pocket on your behalf to further your claim. These expenses include cost of obtaining medical records, for example. There are limits on the types of allowable expenses (see Q2 above), but they are not limited in amount.

Q6. Am I entitled to see a copy of the expenses my attorney has incurred?

A. Yes, you are entitled to see a copy of the expenses incurred by your attorney. Contact him or her for this information.

Q7. I am an attorney and represent a claimant who received \$1,200 from the Dow Corning Removal Assistance Program in 1992. Her \$5,000 Explant and \$20,000 Rupture claims were approved by the Settlement Facility. When I received the two checks, the \$1,200 deduction for the prior payment from Dow Corning was deducted from the Rupture payment, not the Explant payment. Can I apply the attorney fee limits to the full \$20,000 Rupture Payment?

A. Yes, you can apply the attorney fee limits to the \$20,000 Rupture Payment even though \$1,200 was deducted from that payment. The Settlement Facility deducted the amount of the prior payment made to the claimant by Dow Corning from the first check that was authorized. In your client's situation, the Rupture payment was approved first, therefore, the deduction came from that particular check.