

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FILE  
DEC 23 2005  
CLERK'S OFFICE  
DETROIT

IN RE:  
DOW CORNING CORPORATION,  
REORGANIZED DEBTOR.

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

Hon. Denise Page Hood

**STIPULATED CONFIDENTIALITY ORDER REGARDING  
UNREDACTED IMPLANT RECORDS IN DOW CORNING'S POSSESSION**

Dow Corning Corporation (Dow Corning) has in its possession certain medical device reports, correspondence from doctors and implant recipients, and other documents including medical records of implant claimants that were sent to Dow Corning by either implant claimants or doctors. These documents were produced to the National Document Depository in the discovery phase of the multidistrict litigation, *In re Silicone Gel Breast Implants*, MDL-926. Because of concerns about preserving the confidentiality of claimants' names and personal information, however, the records were redacted to remove the names of implant recipients and other personal information. The Claimants' Advisory Committee (CAC) has requested access to the unredacted records for the purpose of assisting claimants who do not have copies of these records to identify and locate any medical records that could assist them with proof criteria in the Settlement Facility-Dow Corning Trust (Settlement Facility) -- specifically, medical records related to Proof of Manufacturer, explantation, rupture and/or medical conditions. Dow Corning has agreed to produce the unredacted records for inspection by the CAC and Settlement Facility so that the CAC and Settlement Facility can develop a database linking claimants' names to records. The CAC, Settlement Facility, and Dow Corning shall work together to determine protocols for the data input and to input the names and other relevant information about implant recipients into a database that the Plaintiffs' Steering Committee initially developed in the MDL-926 proceedings. Through

this procedure all parties will reach agreement on a database that accurately reflects the information in the documents. The Claims Administrator has agreed to make available Settlement Facility staff to assist in this task. Dow Corning has been providing copies of such documents to the Settlement Facility upon request and will continue to provide copies of any non-privileged document upon request by the Settlement Facility and/or CAC.

To assure compliance with prior orders of confidentiality and to further preserve the confidentiality of claimants' names and medical information, the CAC, Claims Administrator and Dow Corning have agreed to this Stipulated Confidentiality Order. Specifically, none of the information in the records that will be subject to this data collection process, including claimants' names, may be disclosed, except to the Settlement Facility staff reviewing claims and to the specific claimant to whom the records refer, his/her authorized attorney or personal representative, and the CAC. The CAC is authorized to review the information to assist claimants in locating documents. A Claimant may contact the Settlement Facility and/or the CAC to determine if his/her name appears in the database and whether any such medical records were located. Once the Settlement Facility and/or CAC determines that the name of the claimant matches to the name on the medical record listed in the database, then they are authorized to provide a copy of such records directly to the claimant. Nothing in this paragraph or elsewhere in this order shall affect the ability of DCC Litigation Facility, Inc. to access or use any documents in the defense of claims or actions brought against it.

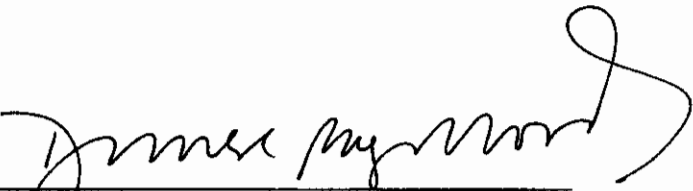
Furthermore, the Settlement Facility may use the claimant names in the database to determine if any names or other identifiers match to the list of Settling Claimants and, if there is such a match, the Settlement Facility is authorized to review the records and use them in processing claims as if they had been filed by the claimant and to notify the claimant accordingly. In addition, the parties shall agree on appropriate and reasonable methods and times for producing documents when conducting the data

collection process.

The CAC and Settlement Facility agree and the Court hereby ORDERS that production by Dow Corning of any privileged documents (including documents with "attorney-client" or "work product" material) will not constitute a waiver by Dow Corning of any applicable privilege. The CAC and Settlement Facility shall not put any "attorney-client" or "work product" information into the database.

SO ORDERED.

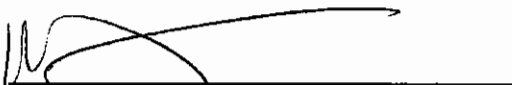
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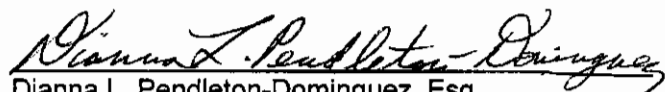
  
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DENISE PAGE HOOD  
United States District Judge

So Stipulated:

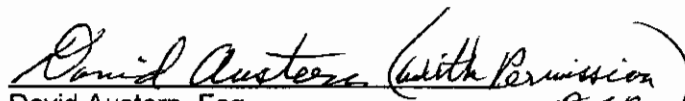
FOR DOW CORNING CORPORATION

FOR THE CLAIMANTS' ADVISORY  
COMMITTEE

  
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