

# **EXHIBIT 6**

**Excerpts from the Breast Implant Litigation Notice,  
In Re Silicone Gel Breast Implant Products  
Product Liability Litigation (MDL 926)**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
Southern Division

In re: )  
SILICONE GEL BREAST IMPLANT ) Master File No. CV 92-P-10000-S  
PRODUCTS LIABILITY LITIGATION )  
(MDL 926) )

HEIDI LINDSEY, et al., )  
Plaintiffs; )  
-vs.- ) Civil Action No. CV 94-P-11558-S  
DOW CORNING CORPORATION, et al., )  
Defendants. )

**BREAST IMPLANT LITIGATION NOTICE**

**Please read this Notice carefully.  
It affects your legal rights.**

**TO: All Lindsey class members and others identified as possibly being breast implant recipients**

You are notified:

- that, due to the amount of Current Disease Compensation Claims that would be approved under the criteria of the global settlement, benefit levels based on the grids in the original notice would be severely "ratcheted" and would result in such a large number of additional opt-outs that the settling defendants would withdraw from the settlement
- that, because of reductions in benefit levels, all Lindsey class members now have an option to exclude themselves from the class and thereby be able to pursue, if they choose, litigation on an individual basis
- that Lindsey class members may, alternatively, remain in the class for the time being, with statutes of limitation and repose being suspended until they decide on what action to take
- that, to reduce the extent of ratcheting of benefits that would otherwise occur, a revised "claims-made" settlement program is being offered by Bristol, Baxter, 3M, McGhan, and Union Carbide to some—though not all—members of the Lindsey class
  - of your potential benefits, rights, and options, if eligible, under this revised settlement program
  - of these important dates under the revised settlement program:
 

|                   |   |
|-------------------|---|
| April 1, 1996     | deadline to register under revised settlement program for those who have not previously registered with Claims Office but want to preserve their "Second Opt-Out Right" |
| December 16, 1996 | deadline to file forms preserving status as "Current Claimant" and to claim "rupture" benefits under revised settlement   |
| December 15, 2010 | end of 15-year period of revised settlement program   |
- that eligible implant-recipients who previously opted out of the Lindsey class may rejoin the class and accept benefits of the revised settlement program

**CONTENTS OF NOTICE**

|                                     |   |
|-------------------------------------|---|
| <b>THE LITIGATION</b>               |   |
| 1.                                  | Cases . . . . . 1   |
| <b>THE "GLOBAL" SETTLEMENT</b>      |   |
| 2.                                  | Settlement Approved . . . . . 1   |
| 3.                                  | Opt-Outs from Global Settlement . . . . . 1   |
| 4.                                  | Registration and Claims . . . . . 1   |
| 5.                                  | "Current Disease Compensation Claims" and "Ratcheting" under Global Settlement . . . . . 1                  |
| 6.                                  | Efforts to Reduce Ratcheting . . . . . 2  |
| <b>SECOND OPT-OUT RIGHT</b>         |   |
| 7.                                  | Opt-Out Right . . . . . 2   |
| <b>REVISED SETTLEMENT PROGRAM</b>   |   |
| 8.                                  | General Description . . . . . 3   |
| 9.                                  | Settling Defendants under Revised Settlement . . . . . 3  |
| 10.                                 | Eligibility . . . . . 3   |
| 11.                                 | Registration; Proof of Manufacturer Form; Classification of Participants . . . . . 4                        |
| 12.                                 | Benefits for Participants who have had at least one Bristol, Baxter, or 3M Breast Implant . . . . . 4       |
|                                     | (a) Explantation Benefit . . . . . 4  |
|                                     | (b) Long-term Benefits . . . . . 5  |
|                                     | (c) Special Options, Benefits, and Protections for "Current Claimants" . . . . . 5                          |
|                                     | (d) "Advance Payments" . . . . . 6  |
| 13.                                 | Benefits for Participants Qualifying because of "post 8/84 McGhan" Silicone-gel Breast Implants . . . . . 6 |
| 14.                                 | Benefits and Options for "Late Registrants" . . . . . 7   |
| 15.                                 | Status of Recipients of Mentor Implants . . . . . 7   |
| 16.                                 | Status of Recipients of Bioplasty Implants . . . . . 8  |
| 17.                                 | Status of Recipients of Dow Corning Implants . . . . . 8  |
| 18.                                 | Definition and Status of "Foreign Claimants" . . . . . 8  |
| 19.                                 | Children of Breast Implant Recipients . . . . . 9   |
| 20.                                 | Limits on Obligations of Defendants; Additional Opt-Out Rights . . . . . 9                                  |
| 21.                                 | Pre-existing Disease; Successive Claims . . . . . 10  |
| 22.                                 | Claims of Health-care Providers . . . . . 10  |
| 23.                                 | Releases . . . . . 11   |
| 24.                                 | Effect of Appeals . . . . . 11  |
| 25.                                 | Defendants' Positions; Inadmissibility of Settlement . . . . . 11   |
| 26.                                 | Incorporation of Terms of Global Settlement . . . . . 11  |
| <b>ATTORNEYS' FEES AND EXPENSES</b> |   |
| 27.                                 | Privately-retained Counsel . . . . . 11   |
| 28.                                 | Funding of "Common Benefit" Fees and Expenses . . . . . 12  |
| 29.                                 | Employment of Attorneys . . . . . 12  |
| <b>CLAIMS ADMINISTRATION</b>        |   |
| 30.                                 | Claims Office . . . . . 12  |
| 31.                                 | Fund Administration . . . . . 13  |
| 32.                                 | Filing of Elections, Forms, and Documentation . . . . . 13  |
| 33.                                 | Documentation . . . . . 13  |
| 34.                                 | Court Review of Claims Office Determinations . . . . . 13   |
| <b>ADDITIONAL INFORMATION</b>       |   |
| 35.                                 | Court Filings and Other Documents . . . . . 13  |
| 36.                                 | Assistance . . . . . 13   |
| <b>EXHIBITS</b>                     |   |
| B1.                                 | List of Settling Defendants and Released Parties  |
| E1.                                 | Revised Disease/Symptomology Definitions and Compensation Levels  |
| G.                                  | List of Implant Brands and Manufacturers  |

insurers which attempted to intervene in the global class settlement to assert reimbursement or subrogation claims. The general nature of these discussions is that, in exchange for additional payments to such providers and insurers by the settling defendants—over and above their obligations to pay benefits to participants under the revised settlement—such providers and insurers would agree not to pursue reimbursement or subrogation claims against implant recipients participating in the revised settlement. As of the printing of this Notice, these discussions have not resulted in a final agreement approved by those parties, but they are sufficiently promising as to justify advising eligible participants of this potential supplemental agreement that would be of substantial benefit under the revised settlement program to many implant recipients. Updated information regarding the status of these negotiations will, when available, be posted on the Claims Office recorded-message telephone line (800-887-6828); and, if the negotiations are successful, you will be advised of the details in the Notification of Status letter to be sent to you by the Claims Office.

### 23. Releases.

(a) Eligible implant recipients who do not timely opt out will for themselves (and for their personal representatives and family members with respect to representative or derivative claims) waive and release, except as provided in 20(e), their rights to institute or pursue breast-implant related claims against the Settling Defendants and Released Parties identified in Exhibit B1.

(b) Claims against Dow Corning and other manufacturers, distributors, or suppliers of breast implants or component parts of such implants—or against doctors, hospitals, or other health-care providers—not listed in Exhibit B1 are not part of the revised settlement and are not released or dismissed. Claims against Mentor, Bioplasty, and Dow Corning may, however, be barred or restricted as a result of prior settlements or bankruptcy proceedings, as explained in 15-17 above.

24. **Effect of Appeals.** An appeal does not suspend the obligation of settling defendants to make payments under 12(a) or, upon receiving an executed standard-form release, under 12(c) or 12(d). Depending on the issues raised, an appeal may suspend the obligation of defendants to make payments under 13 and (unless a mutually satisfactory release is executed) under 12(b).

### 25. Defendants' Position; Inadmissibility of Settlement.

(a) Although agreeing to the revised settlement, the settling defendants continue to deny any wrongdoing or any legal liability of any kind. They have agreed to the revised settlement not only because of the risk of

adverse judgments in some cases, but also because of the substantial time, expense, and other burdens they would incur even in successfully defending against thousands of existing cases and cases that might be filed in the future. These defendants believe that, at the same time, the settlement will also be in the best interests of those who have been implanted with their products by expediting the time for resolving claims and that, by taking advantage of the potential savings in "transaction costs" resulting from a class settlement, the amounts actually paid to many participants under the settlement would, in their opinion, exceed recoveries that might be obtained through individual claims and lawsuits.

(b) Establishment of and negotiations leading to the revised settlement program, and Claims Office determinations and payments under the program, do not constitute any admission by the settling defendants of fault, liability, or damages and will not be admissible in evidence in any proceeding for such purposes or as evidence of ownership, control, agency, or relationship between the settling defendants and the released parties in the event an implant recipient proceeds with litigation against the defendants (except that any judgment obtained by such a person will be reduced by any payment under this settlement).

26. **Incorporation of Terms of Global Settlement.** The revised settlement program implements paragraph 18 of the notice of the global settlement by reducing—for those eligible to participate—the extent of ratcheting that would otherwise occur and by preserving—for those not eligible to participate—their rights to opt out of the class (while providing an extension of the period during which statutes of limitation and repose would be suspended). Except to the extent modified by or inconsistent with the terms of this Notice, the settlement terms announced in the April 1994 notice (including, for example, provisions relating to contribution and indemnification claims against the settling defendants and released parties) remain in effect and govern rights, obligations, and options. The benefits provided under the revised settlement supersede and are in lieu of all benefits that participants and their attorneys might have had under the global settlement. The Court retains general powers to administer and implement the settlement, including the power to interpret the terms of the settlement and to resolve on an equitable basis conflicting claims to benefits arising because of death of a participant or asserted assignments or liens relating to payment of benefits.

### ATTORNEYS' FEES AND EXPENSES

27. **Privately-retained Counsel.** Fees and expenses of attorneys individually retained by Lindsey class members who have not previously opted out, whether in presenting claims under the global settlement, or in presenting claims under the revised settlement, or in instituting or pursuing claims as new "opt-outs" will be borne by such persons based on applicable state law and the individual arrangements

those responsible to criminal prosecution in the federal courts.

(c) Under its plenary responsibilities to assure an acceptable level of reliability and quality control of claims, the Claims Office may require, without expense to the claimant, an examination or review by a physician or laboratory selected by the Claims Office.

(d) Expenses of the Claims Office will continue to be paid from the funds initially provided under terms of the global settlement, with such supplemental contributions from the settling defendants as, during the 15-year period of the program, the Court determines to be necessary for such purposes and without reducing the benefits payable to participants under the revised settlement program.

(e) Operations of the Claims Office will be subject to the continuing jurisdiction of the Court and subject to Court review.

**31. Fund Administration.** The fund into which the settling defendants' payments will be made is a continuation of the MDL 926 Settlement Fund established under Order No. 15, with Texas as its domicile, location, and place of creation and administration, and with eligible participants being its beneficiaries. Ann Tyrrell Cochran, Claims Administrator, has general responsibilities for collecting, collating, processing, evaluating, and quantifying claims. Edgar C. Gentle, III, has been designated as Escrow Agent and as Chairman of the Investment Committee, with the duties approved by the Court by order dated November 23, 1994 (as modified by further Court orders). Also on the Investment Committee are Don Springmeyer (plaintiffs' designee) and Todd M. Poland (defendants' designee).

**32. Filing of Elections, Forms, and Documentation.**

(a) All elections, forms, and documentation described in this Notice are to be filed with the Claims Office, and not with the Court. Please do not send "courtesy" copies to the Court. Please do not send additional copies of materials with a request for acknowledgment—handling of duplicate copies only results in increased administrative costs and delay.

(b) Deadlines for providing elections, forms, or documentation to the Claims Office are to be determined by the date such items are actually received in the Claims Office, rather than date of mailing. Facsimile transmissions are not acceptable.

**33. Documentation.** Current Claimants, Other Registrants, and Late Registrants may, throughout the 15-year period of the program, submit documentation respecting manufacturer identification, medical conditions and disability, and other matters affecting eligibility or entitlement to benefits in accordance with governing procedures. The Claims Office may, however, establish regulations relating to the submission of medical

documentation and setting reasonable periods at which to conduct evaluations or re-evaluations of a person's eligibility and benefits based on supplemental submissions and for submission of supplemental documentation after notice of deficiencies. Initial documentation showing manufacturer identification must be presented to the Claims Office no later than December 16, 1996, by participants claiming status as Current Claimants, as must documentation of a claim for rupture supplement under 12(c)(2).

**34. Court Review of Claims Office Determinations.** A claimant dissatisfied with the decision made by Claims Officers may appeal to the Claims Administrator and, if still dissatisfied, may seek a further review, on the basis of the record evidence, by the Court (or a person designated by the Court to conduct such review). No other appeals or reviews are permitted, and the settling defendants will have no right of appeal or review from determinations made by the Claims Office.

**ADDITIONAL INFORMATION**

**35. Court Filings and Other Documents.** You may inspect documents on file with the Court at the office of the Clerk, 1729 Fifth Avenue North, Birmingham, Alabama, 35203, during regular business hours and may obtain copies of these documents (such as the revised settlement program and the Court's order approving transmittal of this offer to class members) by payment of the prescribed charges. The Clerk's office is not permitted to give legal advice. The Claims Office (800-600-0311 and 713-951-9106) is authorized to answer administrative and clerical inquiries relating to claims and the claims process, but not to give legal advice. Contact the Claims Office if you need a copy of the Disease Schedule that was transmitted with the original global settlement notice.

**36. Assistance.** You should save this Notice for reference concerning your rights and benefits, the claims process, the important deadlines, and telephone numbers. In addition to the limited information available from the Claims Office (see 35 above), you may obtain further information concerning the revised settlement and your rights and options in any one or more of the following ways:

- by reading the enclosed booklet, entitled "Questions and Answers", which has been approved by the Court.
- by consulting an attorney of your own choice. (Note: the advice given by private counsel is not monitored, reviewed, or supervised by the Court.)
- by watching the cable TV program on Court TV on Wednesday, January 24, 1996, at 9 pm CST. (Note: this program, intended to complement the written notice, will provide general information only and will not provide legal advice regarding particular claims.)
- by attending one of the regional meetings or participating in the telephone conference to be scheduled by the Court. See insert accompanying this Notice.