

Filed: 2/9/2007
U.S. District Court
East Dist. of Mi Detroit

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re: § Various cases identified in paragraph
§ 9(a) and Appendix 1 hereto
DOW CORNING CORPORATION, § In re Settlement Facility, Case No. 00-00005
Reorganized Debtor § Honorable Denise Page Hood

**SCHEDULING ORDER NO. 3 FOR CERTAIN
DISPUTED LATE CLAIM REQUESTS (GROUP 2)**

This Order provides certain deadlines for the Disputed Late Claim Requests asserted by the persons listed in paragraph 9(a) below and on Appendix 1 hereto. Such persons are referred to as the “Late Claimants” in this Order.

A. DEADLINES FOR LATE CLAIMANTS

1. **Witnesses and Exhibits (General Information for Late Claimants):** If you are a Late Claimant, you may present witnesses (someone who can testify) or exhibits (records or other documents that relate to the reasons for your late claim) at the final hearing on your Late Claim Request to help demonstrate the facts supporting your Late Claim Request. For example, if you claim that you mailed a claim form before the deadline, your exhibits could include a copy of the claim form you mailed and a receipt from the post office or other delivery service you used to send your claim form. **If you want to present witnesses (other than yourself) or exhibits at the final hearing on your Late Claim Request, you must comply with the following deadlines¹:**

2. **Witness Lists:**

(a) You must send a **list of any witnesses** you intend to have testify on your behalf at the hearing to the Court, Dow Corning, and the Claimants’ Advisory Committee

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You are not required to present witnesses or exhibits in support of your Late Claim Request. You may choose to rely on the documents you have already filed with the Court regarding your Late Claim Request. Further, a Late Claimant can choose not to participate in a hearing on her Late Claim Request (see paragraph 8(e) on page 6 below).

(the “CAC”) so that your list is received no later than **March 16, 2007**. The witness list must include the information in paragraph 2(b) below. The addresses for the Court, Dow Corning, and the CAC are as follows:

U.S. District Court
Dow Corning Litigation Unit
231 W. Lafayette
Detroit, MI 48226

Claimants’ Advisory Committee
P.O. Box 665
St. Marys, OH 45885

Dow Corning
P.O. Box 7500
Midland, MI 48641-7500

If you are a Late Claimant and you intend to be a witness yourself and you do not intend to call any other witnesses, you do not need to send a witness list to the Court, Dow Corning, or the CAC. If you do not send a witness list to the Court, Dow Corning, and the CAC, then you will not be permitted to call any witness other than yourself at the hearing on your Late Claim Request.

(b) Your witness list must include the following: (i) the name, address, and day-time phone number for each witness; (ii) the relationship of the witness to the person for whom the witness will testify at the hearing (for example, a relative or a doctor); and (iii) a brief description of what the witness will say if he or she testifies at the hearing.

(c) Any person listed on a Late Claimant’s witness list may be deposed (questioned under oath) by any party in interest before the discovery deadline in paragraph 8 below.

(d) The Court may not allow you to present a witness in support of your Late Claim Request if your witness list is received after the deadline in paragraph 2(a).

3. Exhibit Lists and Copies of Exhibits:

(a) If there are any exhibits you want the Court to consider at the hearing on your Late Claim Request, you must send **a list of those exhibits** to the Court, Dow Corning, and the CAC so that it is received no later than **March 16, 2007**. **The Court may exclude from your hearing any exhibit that is not listed on your exhibit list. The Court may not allow you to present any exhibits in support of your late claim request if your exhibit list is received after March 16, 2007.**

(b) **If you previously sent exhibits to the Court** with your late claim letter, your Supplemental Statement, or your Response and you do not intend to rely on any additional exhibits at the hearing on your Late Claim Request, you do not need to send copies of those exhibits to the Court, Dow Corning, or the CAC. **However, if you intend to rely on any additional exhibits, then you must send copies of those exhibits to the Court, Dow Corning, and the CAC so that they are received no later than March 16, 2007.** You must place a label on the first page of each additional exhibit to identify the exhibit with a number (starting with Exhibit 1). Exhibit labels are enclosed for your use. On each exhibit label, you must fill in your name and case number and the exhibit number for that exhibit (for example, Exhibit 1, Exhibit 2, etc.).

B. DEADLINES FOR DOW CORNING AND THE CLAIMANTS' ADVISORY COMMITTEE

4. Witness Lists:

(a) No later than **April 27, 2007**, Dow Corning and the CAC must send to the Court, each other, and each Late Claimant a list of any witnesses Dow Corning or the CAC intends to have testify at the hearing on the Late Claim Requests. The witness list must include the following information: (i) the name, address, and day-time phone number for each witness; and (ii) a brief description of what the witness will say if he or she testifies at the hearing.

(b) Any person listed on such witness list(s) may be deposed (questioned under oath) by any party in interest before the discovery deadline in paragraph 8 below.

5. **Exhibit Lists and Copies of Exhibits:** No later than **April 27, 2007**, Dow Corning and the CAC must send to the Court, each other, and each Late Claimant a list of any exhibits **and a copy of all such exhibits** Dow Corning and the CAC want the Court to consider at the hearing on the Late Claim Requests.² **The Court may exclude any exhibit that is not listed on Dow Corning's or the CAC's exhibit list.** Dow Corning and the CAC must place a label on the first page of each exhibit to identify the exhibit with a letter (starting with DCC Exhibit A or CAC Exhibit A).

C. **ADDITIONAL WITNESSES AND EXHIBITS FOR LATE CLAIMANTS, DOW CORNING AND THE CLAIMANTS' ADVISORY COMMITTEE**

6. After Dow Corning and the CAC have submitted their lists of witnesses and exhibits and copies of exhibits, Late Claimants may (but are not required to) identify additional exhibits or witnesses, but only if they are responsive to those designated by Dow Corning or the CAC. A Late Claimant must send to the Court, Dow Corning, and the CAC a list of any such additional witnesses or exhibits and copies of any additional exhibits (labeled as required under paragraph 3(b) above) no later than **May 25, 2007**.

7. After Dow Corning and the CAC have submitted their lists of witnesses and exhibits and copies of exhibits, Dow Corning and the CAC may identify additional exhibits or witnesses in response to each other's exhibits and witnesses designated under Section B above. A list of any additional exhibits or witnesses and copies of any additional exhibits must be filed and served no later than **May 25, 2007**.

²Dow Corning and the CAC may serve on each Late Claimant only those exhibits that are relevant to her or his Late Claim Request.

D. DISCOVERY

8. All discovery shall be completed by **July 20, 2007**.³

E. FINAL HEARING AND RELATED MATTERS

9. **Final Hearing Dates:**

(a) A final hearing will commence on **October 4, 2007** at 10:00 A.M. Eastern Time, for the following Late Claimants:

<u>Late Claimant</u>	<u>Case Number</u>
Nancy Carver	06-12935
Lorraine Ciccone	06-12939
Linda Gagliardi	06-12950
Donna Green	06-12955
Mary Hill	06-12961
Linda Vergato	06-13017

(b) The Court has not set a final hearing date for the Late Claimants listed on **Appendix 1** attached to this Order. The Court will set the hearing date after discovery is completed. A notice of that hearing date will be sent to those Late Claimants and/or their attorneys.

(c) All final hearings will be held in the courtroom of the Honorable Denise Page Hood, located at the Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Courtroom 237, Detroit, Michigan. If the final hearing cannot be completed on the date the hearing commences, the Court will schedule a date for the continuation of the hearing and will notify only those parties present at the commencement of the hearing of the date for the continued hearing.

(d) **Late Claimants are not required to attend the final hearing on their Late Claim Request. However, Dow Corning will present evidence and/or argument in opposition to the Disputed Late Claim Requests at the final hearings. After Dow Corning and the CAC identify their witnesses and exhibits pursuant to paragraphs 4 and 5 above, Late Claimants will be given the opportunity to forgo participation (in person and by telephone) in the final hearing by submitting a hearing waiver form to the Court.**

10. **Telephonic Participation in Final Hearing:** The Court will permit Late Claimants and/or their counsel to participate in the final hearing by telephone (although Late

³ Dow Corning or the CAC may request an extension of the deadlines in paragraphs 4(a), 5, and 7 based on the volume of witnesses and/or exhibits listed by the Late Claimants.

Claimants and counsel may attend in person if they wish). Prior to the final hearing, the Court will notify the parties of the procedures and requirements for telephonic participation.

11. **Post-Hearing Briefs and Proposed Findings and Conclusions:** No later than thirty (30) days after the conclusion of the final hearing, any party (subject to objections related to standing) may file with the Court and serve on all opposing parties a post-hearing brief and/or proposed findings of fact and conclusions of law.

IT IS SO ORDERED.

Dated: February 9, 2007_____

/s/ Denise Page Hood
Denise Page Hood
United States District Judge

APPENDIX 1

<u>Last Name</u>	<u>First Name</u>	<u>Case #</u>
Abel	Doreen	06-12923
Anderson	Lisa	06-12924
Angle	Elizabeth	06-12925
Atkinson	Linda	06-12926
Backer	Wanda	06-12929
Buchanan	Sookhi	06-12932
Carpenter	Carolyn	06-12934
Charland	Marilyn	06-12936
Charland	Valeri	06-12937
Coleman	Leann	06-12940
Crawford	Cynthia	06-12941
Danysz	Magda	06-12942
Darling	Janice	06-12943
Davis	Janice	06-12944
DePrimo	Marie	06-12945
Diaz	Amparo	06-12946
Edwards	Janet	06-12947
Edwards	Peggy	06-11337
Freeman	Sandra	06-12949
Gajentan	Joanne	06-12951
Goldston	Julie	06-12953
Green	Laurie	06-12956
Grego	Nancy	06-12958
Hargis	Johnelle	06-12959
Hart	Sally	06-12960
Hippenhammer	Linda	06-12963
Hollis	Sharon	06-12965
Hutchinson	Patricia	06-12966
Johnson	Kymme	06-12967
Kaat	Mildred	06-12968
Kale	Joan	06-12969
Kilborn	Shary	06-12971
Knapp	Deborah	06-12972
Lackey	Carolyn	06-12973
Levitan	Colleen	06-12974
Lingo	Carol	06-12976
Masson	Florence	06-12977
Mazan	Cherie	06-12978
McNulty	Lisa	06-12981
McQueen	Judy	06-12982
Murphy	Deborah	06-12984
Muse	Linda	06-12985
Neff	Katrina	06-12987
Nunnink	Jan	06-12990
Olsen	Jan	06-12991
Peterson	Victoria	06-12992
Petrole	Linda	06-12993

Pierce	Sally	06-12994
Piper	LaVeta	06-12995
Potter	Janette	06-12997
Price	Susan	06-12998
Ratliff	Connie	06-12999
Register	Jeanette	06-13001
Rogers-Duffield	Linda	06-13004
Seegert	Mary	06-13006
Shyanne	Tawnia	06-13007
Simpson	Mona	06-13008
Slyman	Lynn	06-13009
Snyder	Shelly	06-13013
Stover	Denise	06-13014
Tennant	Ann	06-13015
Veo	Mariane	06-13016
West	Sandra	06-13021
Wright	Paulette	06-13023