

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Filed: 2/16/2007
U.S. District Court
East Dist. of Mi Detroit

In re: § CASE NO. 00-CV-00005-DT
§ (Settlement Facility Matters)
DOW CORNING CORPORATION, §
§ Honorable Denise Page Hood
Reorganized Debtor §

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

On January 19, 2007, the Court issued Scheduling Order No. 2 Regarding Certain Disputed Late Claim Requests (Group 3) (the "Scheduling Order"). Upon the agreement of the Claimants' Advisory Committee ("CAC") and Dow Corning Corporation ("DCC"), it is ORDERED that the Scheduling Order is amended as follows:

1. **Objections: APRIL 6, 2007** is the deadline for the Movants to file Objections to the Disputed Requests and to send the Objections to the Late Claimants (and their counsel, if known to the Movants). With each Objection, the objecting party shall also serve a notice ("Notice") informing the Late Claimants of the deadline for written Responses to be received by the Court, as described in paragraph 2 below. The Notice will also inform the Late Claimants of the date, time and location of the Initial Status Conference described in paragraph 5 below.
2. **Responses: MAY 11, 2007** is the deadline for a Late Claimant to file a written Response to the Objection related to her/his Disputed Request.¹ **The Response must be received by the Court no later than May 11, 2007 at the following address:**

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

Late Claimants must file their Responses on the form attached hereto as **Exhibit 2**. The Response must state in writing why the Late Claimant does not agree with the Objection and any additional reasons for lateness that the Late Claimant has not previously told the Court in

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The CAC may file a response to an Objection, and Dow Corning reserves all rights with respect to any such response.

writing. A Late Claimant or her/his counsel may file a legal memorandum in addition to a Response, but any such memorandum must be received by the Court at the foregoing address no later than May 11, 2007.

3. **Failure to File a Response:** If the Court does not receive a Response from a Late Claimant by May 11, 2007, either of the Movants will file a document with the Court stating that no Response was received. A copy of that document will be sent to the Late Claimant in question and to the Movants. Based on this document, **the Court may deny the relevant Disputed Request with prejudice (that is, the Court may permanently rule that the Late Claimant cannot participate in the Dow Corning settlement program) without further notice or a hearing**, or the Court may set a status conference for further proceedings.

4. **Replies:** JUNE 1, 2007 is the deadline for Dow Corning and/or the CAC to file a Reply to any Response.

5. **Initial Status Conference; Initial Status Report; Scheduling Orders:** The Court will hold an Initial Status Conference on the Disputed Requests on **JULY 26, 2007 at 9:00 a.m.** in the courtroom of Judge Denise Page Hood, located on the second floor of the Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan. No later than **JULY 12, 2007**, the Movants shall file and send to the Late Claimants (and their counsel, if known to the Movants) an initial status report containing the following information: (a) the date the Objection was filed and sent to the Late Claimants or their counsel, (b) the identity of the Late Claimants who filed a Response and those who did not, (c) recommended scheduling orders, and (d) any other information or recommendation that may be helpful to the Court.

No later than **JULY 12, 2007**, the Movants shall send proposed scheduling orders to the Late Claimants (and their counsel, if known to the Movants). The proposed scheduling orders may set discovery deadlines and the date for a final hearing on each Objection. *A Late*

Claimant, or counsel for a Late Claimant, is not required to attend the Initial Status Conference if she/he consents to the proposed scheduling order for her/his Disputed Request.

6. **Final Hearing Dates.** Final hearing dates with respect to the Disputed Requests will be determined at the Initial Status Conference and set forth in scheduling orders that will be served on all parties.

Dated: February 16, 2007

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