

MDL 926 In Re: Silicone Gel Breast Implant Products Liability Litigation

IMPORTANT NOTICE FROM THE MDL 926 CLAIMS OFFICE OF DEADLINES TO ALL ATTORNEYS WHO REPRESENTED A CLAIMANT IN THE REVISED SETTLEMENT PROGRAM (“RSP”)

In the early 1990's, thousands of lawsuits seeking damages for injuries allegedly resulting from breast implants were pending in many state and federal courts. The federal cases were coordinated in the United States District Court for the Northern District of Alabama, before then Chief Judge Sam C. Pointer, Jr., in a proceeding known as In re Silicone Breast Implant Products Liability Litigation, MDL No. 926, Case No. CV-92-P-10000-S. This proceeding is now pending before Judge U.W. Clemon.

On December 23, 1995, the Court approved a fifteen (15) year Revised Settlement program (“RSP”) with Defendants Bristol, Baxter, 3M, McGhan and Union Carbide. Claims in the RSP are processed by the MDL 926 Claims Office in Houston, Texas.

The RSP is a “claims-made” settlement program that is offered to certain U.S. breast implant recipients who received implants prior to June 1, 1993, with at least one breast implant from Bristol, Baxter or 3M (or under certain circumstances, a post-August 1984 McGhan implant).

PLEASE NOTE: Claims involving Dow Corning implants are not handled by the MDL 926 Claims Office. If you have questions concerning the Dow Corning Implant Settlement, the toll free number is 1-866-874-6099. Dow Corning did not participate in the RSP because it filed for bankruptcy protection in May of 1995. This notice does not concern or affect women who only have or had breast implants from Dow Corning. The Dow Corning case has different deadlines and is administered by a separate claims office known as the Dow Corning Settlement Facility. THIS NOTICE CONCERNS ONLY CLAIMS IN THE MDL 926 CLAIMS OFFICE AND DOES NOT CONCERN CLAIMS IN THE DOW CORNING SETTLEMENT FACILITY.

I. THE LAST DAY A CLAIM MAY BE MAILED TO THE RSP IS DECEMBER 15, 2010.

Claims must be postmarked with the U.S. Postal Service as first class mail or submitted to a private mail carrier that provides at least as rapid delivery as first class mail (“postmarked”) by December 15, 2010 and sent to the MDL-926 Claims Office, P.O. Box 56666, Houston, TX 77256, 500 Jefferson, Suite 1800, Houston, TX 77002, (Tel. No. 800-600-0311)

NO NEW CLAIMS WILL BE ACCEPTED IN THE RSP AFTER THIS POSTMARK DEADLINE.

II. CURE DEADLINES FOR CLAIMS WHICH ARE DENIED DUE TO A DEFICIENCY.

- a) If a claimant receives a deficiency letter from the MDL 926 Claims Office before December 15, 2009, the claimant must submit (postmark) all records necessary to prove that she has a compensable claim in the RSP to the Claims Office by December 15, 2010 (the stated end of the program). Any such claim not completed and ready for payment based on materials postmarked by that date will be barred.

- b) If a claimant receives her first deficiency letter from the MDL 926 Claims Office on or after December 15, 2009, the claimant will have one year from the date of the deficiency letter to submit (postmark) all records necessary to prove that she has a compensable claim in the RSP to the Claims Office. Any such claim not completed and ready for payment based on materials postmarked by that date will be barred.
- c) Claimants will have forty-five (45) days from the date of any deficiency letter from the MDL 926 Claims Office to appeal the decisions made therein to the Claims Administrator. They will also have forty-five (45) days after the date of the Claims Administrator's decision to appeal to the Appeals Judge. These appeal rights are available for all timely claims even if the appeal periods extend beyond the claim completion dates in (a) and (b).

III. DEADLINES FOR CASHING CHECKS FROM SETTLEMENT FACILITY.

Claimant checks issued by the MDL 926 Claims Office dated before December 15, 2009 shall be permanently cancelled and not replaced if not negotiated by June 15, 2010. Claimant checks dated on or after December 15, 2009 shall be permanently cancelled and not replaced if not negotiated within one hundred and eighty (180) days after the date of the check.

IV. ARE YOU WILLING TO REPRESENT CLAIMANTS IN THE RSP?

The Office of Plaintiffs' Liaison Counsel ("OPLC") is still receiving calls from claimants who are seeking an attorney to represent them in both the MDL-926 RSP and the Settlement Facility – Dow Corning Trust. We expect that, as we approach the RSP claims deadline, additional pro se claimants will be seeking attorneys.

Because you have represented a breast implant claimant in the RSP in the past, we request that you complete and return the enclosed form if you are willing to permit your name to be given to women with claims in the RSP or the Dow Corning Settlement Facility. The list of attorneys willing to consult with and possibly represent women with claims will be posted on the Office of Plaintiffs' Liaison Counsel's website, www.oplc.org, and the MDL 926 Claims Office website, www.claimsoffice-926.com, and will be distributed with notices sent to claimants to notify them of the December 15, 2010 claims deadline. You would be under no obligation to undertake any representation after talking with the prospective client.

Each notice will include the following or a similar disclaimer:

This list represents those attorneys who have expressed to the OPLC their willingness to assist claimants with breast implant claims in the Revised Settlement Program. This does not constitute an endorsement by the OPLC of any attorney listed hereon and does not constitute a representation that any attorney listed hereon will, in fact, agree to assist a breast implant claimant, nor does it guarantee a favorable outcome to any action undertaken. This information has been compiled by the OPLC as a service to claimants.

V. QUESTIONS

If you have any questions regarding this Notice or submitting claims, you may contact Jeff Condra at the Office of Plaintiffs' Liaison Counsel at 1-888-470-3799 or via e-mail at jcondra@oplc.org.

PLEASE COMPLETE THIS FORM AND SEND TO:

Office of Plaintiffs' Liaison Counsel
P.O. Box 1207
Birmingham, Alabama 35201

or by Fax to: 1-877-258-0423, or by e-mail to contact@oplc.org

_____ Yes, I am willing to permit my contact information to be given to MDL 926 Revised Settlement Program Claimants.

_____ No, I am not willing to permit my contact information to be given to MDL 926 Revised Settlement Program Claimants.

Name: _____

Firm: _____

Street address or Post Office Box: _____

City, State, and Zip Code: _____

Telephone: _____

Fax: _____

E-mail: _____

Firm Contact: _____

Date: _____