

2871-5(c)

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U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

SILICONE GEL BREAST)	Master File Number
IMPLANT PRODUCTS LIABILITY)	Civil Action Number
LITIGATION)	2:92-cv-10000-UWC
(MDL 926))	
_____)	
)	
HEIDI LINDSEY, et al.,)	
)	
Plaintiffs,)	
vs.)	Civil Action Number
)	2:94-cv-11558-UWC
DOW CORNING)	
CORPORATION, et al.,)	
)	
Defendants.)	
)	

**ORDER APPROVING THE AFFIDAVIT OF HEIRSHIP AND LIMITED INDEMNITY
AGREEMENT FOR THE REVISED SETTLEMENT PROGRAM AND OTHER
MDL 926 CLAIMANTS**

The MDL 926 Claims Administrator reports that, for some deceased MDL 926 claimants due to receive benefits from the Revised Settlement Program (the "RSP") or the INAMED Settlement Fund, it may not be economical for the deceased claimant's family to open a Probate Estate in order to receive claimant benefit payments. Therefore, the Claims Administrator has suggested to the Court that an Affidavit of Heirship and Limited Indemnity Agreement in the form of Exhibit A be considered as an alternative means to effect payment to these deceased claimant families.

The Court, having considered the recommendation of the Claims Administrator on this matter, and all other matters and things as it deems appropriate, hereby ORDERS, ADJUDGES AND DECREES as follows:

- (i) In addition to the traditional means of opening a Probate Estate for a deceased claimant, the form of Affidavit of Heirship and Limited Indemnity Agreement in Exhibit A is hereby approved by the Court. This form will provide an alternative method for paying a deceased claimant's benefits to his heirs. For the form to be used, an heir with knowledge regarding the deceased claimant must complete the form and thereby: (a) verify that the deceased claimant had no debts and died intestate, and (b) agree to indemnify the MDL 926 Settlement Fund or the INAMED Settlement Fund, as applicable, for the full amount of claimant benefit payments remitted on behalf of the deceased claimant, as well as indemnify counsel for the deceased claimant, the Settling Defendants and their counsel, and Class Counsel to the extent of such payments made to the heirs on behalf of the deceased claimant;
- (ii) Based upon the completed Affidavit and Limited Indemnity Agreement, the MDL 926 Escrow Agent shall distribute the deceased claimant's payments to his heirs in accordance with the intestacy laws of the State where the deceased claimant died, as determined in conjunction with the MDL 926 Plaintiffs' Steering Committee Office; and
- (iii) The MDL 926 Settlement Fund, the INAMED Settlement Fund, the Claims Administrator, the Escrow Agent, counsel for the deceased claimant, the Settling Defendants, and counsel for the Settling Defendants and Class Counsel shall incur

no liability to the deceased claimant, his family or his creditors as a result of this procedure.

Done the 21st of May, 2008.

A handwritten signature in black ink, appearing to read "U.W. Clemon", written over a horizontal line.

U.W. Clemon
United States District Judge