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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
DETROIT DIVISION

**F I L E**  
JUL 05 2005  
CLERK'S OFFICE  
DETROIT

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In re:	)	Case No. 00-CV-00005
	)	(Settlement Facility Matters)
DOW CORNING CORPORATION	)	
	)	HON. DENISE PAGE HOOD

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**MOTION AND MEMORANDUM IN SUPPORT OF  
CLAIMANT MARCIA RATHBUN'S REQUEST TO TOLL THE ONE YEAR DEADLINE  
FOR CURING DISEASE CLAIM DEFICIENCIES AND REQUEST FOR SIX MONTH  
EXTENSION FOR CURING PAST AND FUTURE DISEASE DEFICIENCIES**

Marcia Rathbun (SID 1086476), through her counsel Bos & Glazier, P.L.C., respectfully requests that this Court toll the one year deadline for curing deficiencies in her disease claim and allow a six month extension for curing past and future disease deficiencies. In support of her motion, Ms. Rathbun states the following:

1. Ms. Rathbun submitted her disease claim for ACTD, disability level C on July 28, 2003.
2. On August 26, 2005, the Settlement Facility - Dow Corning Trust ("SF-DCT") mailed Ms. Rathbun a Notification of Status (NOS) regarding her disease claim.
3. The NOS letter stated that Ms. Rathbun's claim was deficient. The disease portion (ACTD) of Ms. Rathbun's claim was approved, however, the compensation (disability) level was not approved.
4. The NOS letter also stated that the deadline to cure the deficiency in Ms. Rathbun's claim is August 26, 2005.

5. The SF-DCT was contacted after receipt of the NOS letter and an appointment was made for a nurse to call and discuss the claim with regard to the requirements to cure the deficiency, *prior* to contacting Ms. Rathbun's treating physicians to get a supplemental report to cure the deficiency. During the telephone conversation with the nurse from the SF-DCT, the nurse simply reiterated the statements contained in Ms. Rathbun's NOS.

6. We believe that the SF-DCT has been overly harsh in their evaluation of disease claims in general and of Ms. Rathbun's claim in particular. Of this firm's 19 clients that have actually *received a response* to their disease claims, 17 have been reduced or outright denied in disability level.

7. The Motion of Claimants' Advisory Committee for the Disclosure of Substantive Criteria Created, Adopted and/or Being Applied by the Settlement Facility and Request for Expedited Consideration is currently pending, which requests the Court to order the SF-DCT to disclose all substantive, non-published criteria that they are applying in their review of disease claims.

8. It would be unfair and prejudicial to Ms. Rathbun to insist that she spend time and money in attempting to cure any deficiency in her disease claim, by way of obtaining additional documentation from her medical providers, until a decision has been rendered with regard to the pending motion and the claimants learn of any revisions to the criteria in proving a disability level to the SF-DCT.

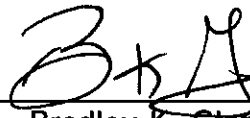
WHEREFORE, we respectfully request that this Court direct Marcia Rathbun's disease claim cure deadline be tolled until a) the Court hears the Claimants' Advisory

Committee' pending motion regarding the disclosure of substantive criteria, and determines whether the SF-DCT has applied the proper criteria in reviewing disease claims; and b) until all substantive, non-published criteria are made publicly available to all claimants by the SF-DCT. In addition, we request that Ms. Rathbun be allowed a six month extension for curing past and future disease deficiencies.

BOS & GLAZIER, P.L.C.

Date: June 30, 2005

By:



Bradley K. Glazier (P33523)

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**CERTIFICATE OF SERVICE**

Bradley K. Glazier states that he is the attorney for claimant Marcia Rathbun, with regard to the above-captioned matter, and that on the 1<sup>st</sup> day of July, 2005, he served Motion and Memorandum in Support of Claimant Marcia Rathbun's Request to Toll the One Year Deadline for Curing Disease Claim Deficiencies and Request for Six Month Extension for Curing Past and Future Disease Deficiencies on the following person(s):

For the Claimants' Advisory Committee

Dianna Pendleton-Dominguez  
P.O. Box 655  
St. Mary's, Ohio 45885

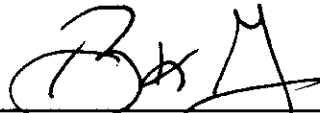
For the Debtor's Representatives

Deborah E. Greenspan  
Dickstein Shapiro Morin & Oshinsky LLP  
2101 L Street, N.W.  
Washington, DC 20037

For the Finance Committee

Claims Administrator  
Settlement Facility - Dow Corning Trust  
3100 Main Street, Suite 700  
Houston, TX 77002

Service was made by first class mail on this date.



Bradley K. Glazier