

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

F I L E D  
OCT 06 2005  
CLERK'S OFFICE  
DETROIT

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**In re:** )  
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**DOW CORNING LITIGATION.** )  
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**Civil Action No. 00-CV-00001  
(Litigation Facility Matters)**

**Civil Action No. 00-CV-00005  
(Settlement Facility Matters)**

**HON. DENISE PAGE HOOD**

**ORDER DISMISSING CASES AGAINST  
DOW CHEMICAL CO. AND CORNING INCORPORATED**

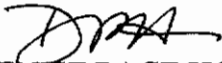
On June 1, 2004, the Amended Joint Plan of Reorganization in the *In re Dow Corning Corporation* bankruptcy action, E.D. Mich. Bankruptcy Court Case No. 95-20512, went into effect. The Plan governs the resolution of the cases against Dow Chemical Co., et al. relating to the claims which were before the Bankruptcy Court. It is noted that the Election Deadline to elect to settle a claim through the Settlement Facility or to litigate a claim against the Litigation Facility was November 29, 2004. Claimants were required to file a Notice of Intent to Litigate/Claimant Questionnaire by February 28, 2005. The Court has entered various Case Management Orders governing the resolution of the claims to be litigated found in Case No. 00-00001.

In an Opinion dated May 8, 1997, the Sixth Circuit Court of Appeals issued a Writ of Mandamus ordering the district court "to transfer the claims against Dow Chemical and Corning Incorporated to the Eastern District of Michigan." *In re Dow Corning Corp.*, 113 F.3d 565, 572 (6th Cir. 1997). Approximately 14,000 cases with claims against Dow Chemical and Corning Inc. have been transferred pursuant to the Sixth Circuit's Order. Although there may have been other

defendants in these cases, only the claims against Dow Chemical and Corning Inc. were transferred to this Court, pursuant to the Sixth Circuit's Writ of Mandamus. The individual cases against Dow Chemical Co. and Corning Inc. filed in this District must now be dismissed, pursuant to the Amended Joint Plan of Reorganization, specifically, § 8.4 of the Plan ("on the Effective Date all Persons who have held, hold, or may hold Released Claims, whether known or unknown, and their respective agents, attorneys, and all others acting for or on their behalf, *shall be permanently enjoined on and after the Effective Date* from (a) commencing or continuing in any manner, any action or any other proceeding of any kind with respect to any Released Claims against the Debtor-Affiliated Parties, the Shareholder-Affiliated Parties, ...") (Plan, § 8.4) Any Non-Settling Personal Injury Claimant may continue or commence an action *against the Litigation Facility* in accordance with the Litigation Facility Agreement. (Plan, § 8.4)

Accordingly,

IT IS ORDERED that the cases against Dow Chemical Co. and Corning, Inc. set forth in the attached list to this Order are DISMISSED with prejudice. However, if a plaintiff in any of the listed cases has elected to continue to litigate any claims as a Non-Settling Personal Injury Claimant against the Litigation Facility, those claims are DISMISSED without prejudice.

  
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/s/ DENISE PAGE HOOD  
DENISE PAGE HOOD

DATED:

**OCT 06 2005**