

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**F I L E**  
JAN 10 2006  
CLERK'S OFFICE  
DETROIT

**IN RE:** §  
§  
**DOW CORNING CORPORATION,** § **CASE NO. 00-CV-00005-DT**  
§ **(Settlement Facility Matters)**  
§  
**REORGANIZED DEBTOR** § **Honorable Denise Page Hood**

**ORDER REGARDING PROCEDURES FOR  
DETERMINATION OF APPLICATIONS**

1. The Court set the following matters (including the responses thereto) for hearing on December 15, 2005, relating to procedures to be followed in determining the remaining unresolved applications for "substantial contribution" compensation:
  - a. Motion by Reorganized Debtor and Debtor's Representatives ["Debtor's Reps"] to Establish Procedures and Schedule for Resolving Substantial Contribution Claims (Doc. 240)
  - b. Motion to Set Oral Argument on the Amounts of "Substantial Contribution" Payments, if Any, Are to be Paid, (Doc. 242), filed by Doffermyre, Shields, Canfield, Knowles & Devine ("Doffermyre") and Jacks Law Firm ("Jacks");
  - c. The TMJ MDL Steering Committee's ("TMJ Committee") Combined (1) Joinder to the Motion of Doffermyre Shields and the Jacks Law Firm to Set Oral Argument, and (2) Response to Debtor's Reps' Motion to Establish Procedures and Schedule for Resolving Substantial Contribution Claims

2. At the hearing, the following parties announced in open court that they had reached agreement on certain matters: the Debtor's Reps; Doffermyre; Jacks; Sybil Goldrich; the Claimants' Advisory Committee.
3. These parties agreed, and the Court ORDERS:
  - a. The Court will conduct a hearing on April 10, 2006, on the remaining unresolved applications;
  - b. On or before February 15, 2006, the Debtor's Representatives and the Claimants' Advisory Committee will file the affidavits, if any, upon which they intend to rely at the April 10, 2006, hearing. On or before March 7, 2006, any party may file further affidavits responsive to matters raised by these affidavits.
  - c. Any party desiring to file additional or supplemental briefs prior to the April 10, 2006, hearing, shall file and serve same on or before March 20, 2006. Any party desiring to file responsive briefs shall file and serve same on or before April 3, 2006.
  - d. With respect to discovery:
    - i. A party may direct limited requests for production of documents or requests for admissions to any other party.
    - ii. The Debtor's Reps stated they will take depositions as follows:
      1. No more than one representative of each law firm that has filed an application, including a deposition of Mr. Jacks that will not exceed 3 hours and a deposition of Mr. Knowles that will take a day or less;

2. A deposition of Professor Hensler that will not exceed 3 hours.
  3. Other depositions for good cause shown.
- iii. Doffermyre and Jacks stated that while they had not yet determined precisely what deposition discovery they will take, they anticipate taking the depositions of the Debtor's Reps' affiants and expert (subject to the same time limits as Debtors' Reps) and perhaps other limited deposition discovery.
  - iv. The parties shall agree upon a cutoff date for discovery, or, failing agreement, will request that the Court establish a discovery cutoff date.
  - v. The parties will be bound by their representations to the Court and to one another regarding the limited nature and extent of the discovery they each intend to take. Any party who believes that another party has initiated discovery that violates the letter or spirit of these representations or this Order may file a motion for protection.
- e. The hearing on April 10, 2006, will be a one day hearing, at which time any party who desires to present evidence or argument may do so, provided that the hearing time shall be divided evenly between applicants and objectors.
  - f. In its filings, the Debtor's Reps had announced an intention to file a Motion to Strike the testimony of Professor Hensler and to request a

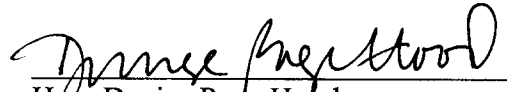
hearing on said motion before deciding whether to retain its own expert.

At the December 15, 2005 hearing, counsel for the Debtor's

Representatives stated that it would, instead, retain an expert and would reserve any motion, if at all, respecting Professor Hensler's testimony for a motion in limine to be filed before the April 10, 2006, hearing. Any other party may also file motions in limine before the April 10, 2006, hearing and the Court will consider same at the hearing with the understanding that the time consumed in arguing such motions will be counted against the hearing time of the party making the motion.

4. The Court will take under advisement the requests of the TMJ Committee and will inform the parties of the Court's decision in a separate order.
5. With respect to Applicants whose claims remain unresolved and who were not present at the December 15, 2005, hearing (and thus were not parties to the agreement referred to hereinabove), the Debtor's Reps shall promptly notify them of the terms of this Order and provide them with a copy of it at the same time it is forwarded to the Court. Said Applicants, having chosen not to appear at the December 15 hearing, will be bound by the terms of this Order.
6. The Claimants' Advisory Committee suggested that the Court direct the parties to participate in mediation prior to the April 10, 2006, hearing. All parties agreed to proceed to mediation if the Court so ordered, although there was not universal agreement that mediation would be worthwhile. The Court will take under advisement whether it should order the parties to mediation.

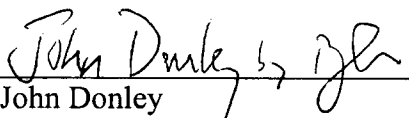
SO ORDERED this JAN 10 2006 day of \_\_\_\_\_ 2006.

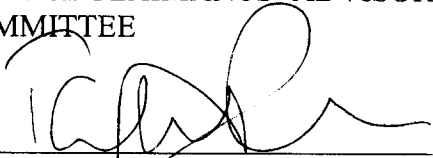
  
Hon. Denise Page Hood  
United States District Judge

So Stipulated:

FOR THE REORGANIZED DEBTOR  
AND DEBTOR'S REPRESENTATIVE

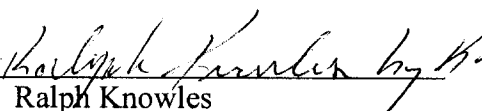
FOR THE CLAIMANTS' ADVISORY  
COMMITTEE

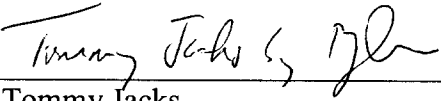
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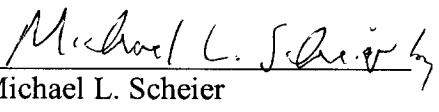
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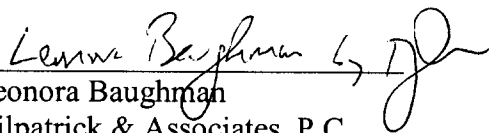
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