

S F D C T
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SETTLEMENT FACILITY
DOW CORNING TRUST

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Claims Administrator

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Dear Doctor:

The Settlement Facility–Dow Corning Trust (SF-DCT) is a settlement office that was established as part of the bankruptcy reorganization of Dow Corning Corporation. Eligible claimants may file a claim for explant, rupture, and disease. The disease claim does not require a showing of causation that the implants caused the medical condition or disease. In exchange, claimants are forever barred from filing a lawsuit against Dow Corning or any of the released parties, which include settling physicians and settling healthcare providers, for injuries arising out of their implants.

I am writing as the Claims Administrator, overseeing the processing and payment of claims, to request your cooperation with the SF-DCT and its claimants. The rules for submitting claims require claimants to provide medical records, and in some instances, statements from their doctors, other medical professionals, and hospitals. The most important proof is the records that confirm whether Dow Corning made the implant. In addition, to be eligible for payment, claimants must provide other types of medical records, including operative and pathology records, diagnosis records, and treatment reports. We do not require that these records be notarized, or that physicians give statements or diagnoses under oath, or conform to any legal standard such as “to a reasonable degree of medical certainty.” We will not ask you to appear in any court or administrative proceedings to defend or explain your medical records and diagnosis. All records, reports, and communications you provide will be confidential pursuant to court order.

As noted above, **a claimant does not need to prove the implant caused the disease, symptom, or medical condition.** We do require, though, an “affirmative diagnosis” of the disease or condition. This is simply a signed statement from the physician (in many cases a board certified rheumatologist), which confirms the claimant suffers from the disease or condition in question. A claimant must also submit a medical report that describes, for some diseases, the claimant’s disability, and for other diseases, describes the severity. Some of the diseases in the SF-DCT processing rules were established for the purposes of the bankruptcy settlement, and do not appear in medical textbooks. Examples include Atypical Connective Tissue Disease (ACTD) and General Connective Tissue Syndrome (GCTS). SF-DCT claimants have been given a booklet that defines the symptoms for diseases listed in the settlement, and I encourage you to review the booklet when submitting a diagnosis and/or disability statement for a claimant.

I urge you to work with your patients to provide them and us with the requested records and reports. Thank you for this cooperation and for your time and patience.

Very truly yours,

David Austern
Claims Administrator