

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

In Re:) Case No. 00-CV-00005
) (Settlement Facility
Dow Corning Corporation) Matters)

MOTION AND MEMORANDUM IN SUPPORT
OF
TO TOLL THE ONE YEAR DEADLINE
FOR CURING DISEASE CLAIM DEFICIENCIES
[REDACTED]

Comes now (SID), by and through her undersigned counsel of record, and requests that the Court toll the one year deadline for curing deficiencies in her disease claim. Further, she joins the motion submitted by the Motley Rice firm filed May 27, 2005. In support of her Motion, Ms. shows the following:

1. Ms. submitted her disease claim for ACTD, disability level A, on March 13, 2003.
2. On June 14, 2004, the SF-DCT mailed Ms. a Notification of Status (NOS) letter on her disease claim.
3. That NOS letter stated that her claim was deficient. The symptoms comprising the disease portion (ACTD) of the claim were approved but no

compensation (disability) level was approved. The NOS letter also stated that the deadline to cure the deficiency in her claim is June 14, 2005.

4. On May 13, 2005, in an effort to cure the deficiency in Ms. _____'s disease claim, her counsel submitted a Supplemental Disease Review Form (SDRF) with additional medical records attached, requesting that the SF-DCT re-review the claim. The SDRF was received by the SF-DCT on May 16, 2005.

5. Ms. _____ has an approaching cure deadline of June 14, 2005. The request for re-review is pending; no response has been received to date.

6. We understand that appeals to Judge Andrews from decisions of the prior Claims Administrator, Wendy Trachte-Huber, may be re-reviewed by the new Claims Administrator, David Austern, before they are reviewed by Judge Andrews. We also understand that there may be a backlog of appeals due to the recent transition in the Claims Administrator position. It appears that Ms. _____ will not receive a decision on her request for re-review prior to her upcoming cure deadline.

7. In addition, we believe that the SF-DCT has been overly harsh in their evaluation of all disease claims in general and of Ms. _____'s claim in particular. We understand that there is an audit underway to determine whether the SF-DCT has been properly applying the Plan criteria in their review of disease claims. There are also several motions pending asking that the SF-DCT disclose all

substantive, non-published criteria that they are applying in their review of disease claims.

WHEREFORE, Ms. _____ respectfully requests that this Court direct that her disease claim cure deadline be tolled until she is able to complete the re-review process, until the audit is completed to determine whether the SF-DCT has applying the proper criteria in reviewing disease claims, and until all substantive, non-published criteria are made publicly available to all claimants by the SF-DCT .

This the 6th day of June, 2005.

/s/Leslie J. Bryan
Leslie J. Bryan

DOFFERMYRE SHIELDS CANFIELD
KNOWLES & DEVINE, LLC
1355 Peachtree Street
Suite 1600
Atlanta, GA 30309
Telephone: 404-881-8900
Facsimile: 404-881-3007
Email: lbryan@dsckd.com

Attorney for

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2005, I electronically filed the foregoing MOTION AND MEMORANDUM IN SUPPORT OF TO TOLL THE ONE YEAR DEADLINE FOR CURING DISEASE CLAIM DEFICIENCIES [REDACTED] with the Clerk of the Court using the ECF system. I further certify that I have emailed the foregoing to each of the following individuals.

For the Claimants' Advisory Committee

Dianna Pendleton-Dominguez
P. O. Box 665
St. Mary's, Ohio 45885
Dpend440@aol.com

For the Debtor's Representatives

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

For the Finance Committee

David Austern
Claims Administrator
Settlement Facility – Dow Corning Trust
3100 Main Street, Suite 700
Houston, Texas 77002
info@sfdct.com

/s/ Leslie J. Bryan
Leslie J. Bryan

Attorney for