

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
Southern Division

FILED
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U.S. DISTRICT COURT
N.D. OF ALABAMA

In re:)
SILICONE GEL BREAST IMPLANT)
PRODUCTS LIABILITY LITIGATION)
(MDL 926))

Master File No. CV 92-P-10000-S

HEIDI LINDSEY, et al.,)
Plaintiffs,)

-vs.-)

Civil Action No. CV 94-P-11558-S

DOW CORNING CORP., et al.,)
Defendants.)

ENTERED

JUL 25 1994

ORDER No. 20
(Proposed Settlement--Further Details)

This Order supplements, clarifies, and, to the extent inconsistent, modifies all earlier orders and attachments thereof (including Settlement Notices) relating to the proposed settlement.

1. Persons and entities (including domestic and foreign governmental bodies and agencies) that may assert claims under, through, or against class members for subrogation or for reimbursement based upon payment of medical expenses or provision of medical services to class members are not themselves class members.

(a) Any purported exclusions or opt-outs by such persons or entities as putative class members are treated as having no effect inasmuch as such persons and entities are not class members and are not competent to elect to exclude from class membership the persons to whom or on whose behalf they may have paid medical expenses or provided medical benefits.

(b) Any pending motions or requests by such persons or entities to intervene to assert purported subrogation rights or claims for reimbursement are at this time

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denied, but without prejudice to resubmission at an appropriate time after (and in the event) the proposed settlement becomes final and effective.

2. Foreign Claimants.

(a) The provisions of earlier orders and the Settlement Notice relating to "Foreign Claimants" do NOT apply to persons who, as of April 1, 1994, were permanent resident aliens of the United States. Such persons shall be treated under the proposed settlement as class members subject to the same terms provided for citizens of the United States.

(b) Foreign Claimants who register by the December 1, 1994, deadline but who, under paragraph 23(d) of the Settlement Notice, elect to opt out after being notified of a potential reduction in amounts payable under the Disease Compensation Program to Foreign Claimants under paragraph 23(c) of the Settlement Notice, will have not only such rights, if any, that such persons have to file or pursue claims against the Settling Defendants and Released Parties in the courts and administrative tribunals of other countries, but also such rights, if any, that they may have to pursue any such claims in the federal or state courts of the United States.

3. The term "Qualified Medical Doctor," as contained in the Settlement Notice and in Exhibit D (Disease Schedule) to the Settlement Notice, shall be deemed to include persons holding either an M.D. degree or a D.O. degree if board-certified in an appropriate specialty as determined by the Claims Officer. The Claims Officer is also authorized to determine whether physicians in other countries have degrees or certifications that are the equivalent of those accorded in the United States and should be treated under the settlement as a "Qualified Medical Doctor."

4. The Claims Officer is authorized to determine what diagnoses, statements, and records should be required to be translated into the English language.

This the 22nd day of July, 1994.


United States District Judge