

**FILED**

APR 23 2003

UNITED STATES BANKRUPTCY COURT  
 EASTERN DISTRICT OF MICHIGAN  
 NORTHERN DIVISION

CLERK'S OFFICE  
 U.S. DISTRICT COURT  
 EASTERN MICHIGAN

IN RE:	§	CASE NO. 95-20512
	§	
DOW CORNING CORPORATION	§	(Chapter 11)
	§	Judge Denise Page Hood
DEBTOR	§	

**ORDER APPROVING PROCEDURES FOR  
 WITHDRAWAL OF CLAIMS AND NOTICES OF INTENT**

The Court has considered the Plan Proponents' Motion for Order Approving Procedures for Withdrawing Implant-Related Claims and Notices of Intent, and the Court finds and concludes that the Motion was duly noticed, and that the relief requested in the Motion is appropriate and authorized under Bankruptcy Rule 3006. Accordingly, it is **ORDERED** that:

1. The Motion is granted.
2. The Withdrawal Form<sup>1</sup> in the form attached hereto as Exhibit A is hereby approved in its entirety and shall be used by claimants or claimants' authorized representatives (with such authority to be determined according to protocols developed jointly by the Plan Proponents and the Claims Administrator without further Court approval) who wish to withdraw Primary Claims and NOIs after the date of this Order. The Plan Proponents and the Settlement Facility are authorized to make the Withdrawal Form available to claimants or their authorized representatives through such means as they deem appropriate. The Plan Proponents and the Settlement Facility are further authorized to develop forms (similar to the Claim Withdrawal Form) and procedures for claimants who have multiple claims or claims based on multiple products to withdraw some but not all of their claims.

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<sup>1</sup>Unless otherwise defined, capitalized terms in this Order shall have the meaning designated in the Motion.

3. The notice and opportunity for a hearing provided in connection with the Motion satisfies, and is deemed to constitute, the notice and hearing required under Bankruptcy Rule 3006 with respect to each claimant who, on his or her own behalf or through an authorized representative, submits a properly completed Withdrawal Form (with standards for proper completion to be determined according to protocols developed jointly by the Plan Proponents and the Claims Administrator).

4. Upon the submission of a properly completed Withdrawal Form to the Settlement Facility by a claimant or a claimant's authorized representative, and after the Claims Administrator has sent an acknowledging letter giving the claimant or authorized representative fourteen (14) days to rescind the withdrawal, each Primary Claim and/or NOI filed by or on behalf of such claimant shall be disallowed in this case for all purposes, including, without limitation, for purposes of distribution and notice, and such claimant shall have waived its claims against Dow Corning and the Released Parties (as defined in the Plan).

5. The withdrawal of a Primary Claim or an NOI pursuant to a properly completed Withdrawal Form shall not disallow or otherwise affect any 3005 Claim related to such Primary Claim or NOI.

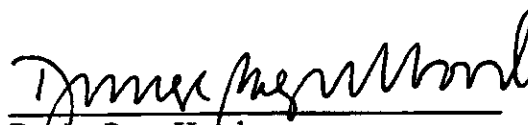
6. A properly submitted Withdrawal Form shall not affect voting on the Plan; nor shall it constitute the withdrawal of a claimant's acceptance or rejection of the Plan.

7. The Claims Administrator shall, unless otherwise ordered by the Court after notice and an opportunity for hearing or agreed to by the Claims Administrator and Dow Corning, (a) promptly file each original Withdrawal Form and any rescissions thereof with Daticon Systems, Inc. for the purpose of updating the official claims register in this case, and (b)

through the period ending 120 days after the Effective Date, furnish reports to Dow Corning summarizing the Withdrawal Forms and any related rescissions that the Claims Administrator transmits to Daticon (the content and frequency of such reports to be mutually agreed by the Claims Administrator and Dow Corning).

8. The methods the Debtor employed before the date of this order for the withdrawal and/or disallowance of Primary Claims (as described in paragraph 3 of the Motion) comply with Bankruptcy Rule 3006. Claimants or their authorized representatives who withdrew Primary Claims under such procedures need not sign or submit a Withdrawal Form in the form attached hereto. Such prior withdrawals do not affect voting on the Plan; nor do they constitute a withdrawal of a claimant's acceptance or rejection of the Plan. Further, to the extent the filing of a Primary Claim or NOI superseded a 3005 Claim, the subsequent withdrawal of such Primary Claim or NOI reinstated the related, previously superseded 3005 Claim(s).

Dated: APR 23 2003

  
Denise Page Hood  
United States District Judge

**EXHIBIT A**

## **CLAIM WITHDRAWAL FORM**

This court-approved Claim Withdrawal Form shall be used by any claimant who wishes to withdraw all claims in the Dow Corning bankruptcy case and the Dow Corning Settlement Program established by the Amended Joint Plan of Reorganization of Dow Corning (the "Plan") and to cease receiving all further notices relating to the Dow Corning bankruptcy case or the Dow Corning Settlement Program. To withdraw all of your claims, you must (1) check the box below, (2) print and sign your name, (3) fill in your Social Security Number, proof of claim number(s), address, phone number and the date you complete this form in the appropriate places below, and (4) return this form to: Settlement Facility-Dow Corning Trust, P.O. Box 52429, Houston, Texas 77052.

If you withdraw your claim(s) by signing and returning this form, you will waive any and all claims you have or may have against Dow Corning and all of the "Released Parties" as defined in the Plan, including Dow Corning's shareholders (The Dow Chemical Company and Corning Incorporated) and Dow Corning's subsidiaries and affiliates. When you return this completed form to the Settlement Facility, your claim(s) will be dismissed and you will be permanently barred from seeking any payment under the Plan (including the Dow Corning Settlement Program) and from suing or otherwise pursuing a claim against Dow Corning or the Released Parties relating to any of Dow Corning's products. You will also stop receiving further notices regarding the Dow Corning bankruptcy case, the Plan, and the Dow Corning Settlement Program. This Claim Withdrawal Form shall not affect any claim against Dow Corning or the Released Parties relating to any products sold or manufactured by Reorganized Dow Corning (as defined in the Plan).

If you have more than one claim (for example, a breast implant claim and a chin implant claim) and you want to withdraw some but not all of your claims, or if you have any questions about the Claim Withdrawal Form, the claim withdrawal process, or the consequences of withdrawing your claim, call the Claims Assistance Program at 1-866-874-6099.

### **READ CAREFULLY:**

- Yes, I want to permanently withdraw my claim(s) in the Dow Corning bankruptcy case. I represent to Dow Corning and the District Court supervising the Dow Corning bankruptcy that I am the owner of such claim(s) and have not sold or otherwise transferred any interest in it/them to any other party. I understand that by withdrawing my claim(s), I will NOT be eligible for any payment under the Plan, I waive all claims against Dow Corning and the Released Parties (including Dow Corning's shareholders, subsidiaries, and affiliates) relating to Dow Corning's products, I will NOT be able to file a lawsuit against Dow Corning or the Released Parties in any court in any way relating to such claim(s), my claim(s) will be permanently barred, and I will NOT receive any further notice concerning the Plan or Dow Corning's bankruptcy case. I also understand that the withdrawal of my claim(s) will not affect the status of any claims that other parties may have filed on my behalf under Bankruptcy Rule 3005.

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Claimant's full name

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Signature of Claimant or  
Authorized Representative

\_\_\_\_\_  
Proof of Claim Number(s)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number