

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re: § VARIOUS CASES LISTED
§ ON APPENDIX 1 ATTACHED HERETO
DOW CORNING CORPORATION, § Settlement Facility Master Case no. 00-00005
§ Honorable Denise Page Hood

**ORDER DENYING CERTAIN LATE CLAIM REQUESTS
BASED ON INELIGIBLE IMPLANTS (GROUP 2)**

Now pending before the Court are the late claim requests that were received by the Court, the Claimants' Advisory Committee (the "CAC"), and Dow Corning Corporation and the Debtor's Representatives ("DCC") between January 1 and March 31, 2006 (the "Group 2 Late Claims"). The Court has considered the Group 2 Late Claims, additional materials and information submitted by the Group 2 Late Claimants (including their Supplemental Statements, Responses, and accompanying documents), and the related objections, statements, and/or replies and exhibits filed by DCC and the CAC and, based thereon, the Court makes the following findings and conclusions:

A. Several of the Group 2 Late Claimants, who are identified on Appendix 1 attached hereto, indicated or produced documentation that their only implants were manufactured by 3M or McGhan or that her claim is based on a tissue expander product manufactured by Mentor (Becker). Such products are not eligible for any benefits under the Plan from the Settlement Facility. Thus, even if these disputed Group 2 Late Claims were allowed, the late claimants would not be entitled to receive any compensation under the Plan from the Settlement Facility.

B. Several additional Group 2 Late Claimants, who are identified on Appendix 1 attached hereto, indicated or produced documentation that their only implants were manufactured by Bristol (including, without limitation, Surgitek and Replicon) and/or Baxter (including, without limitation, Heyer-Schulte). Under the Plan, claimants with such implants are required to marshal their recoveries against their implant manufacturer in either the Revised Settlement Program (the "RSP") in the MDL-926 case or by individual lawsuit if they opted out of the RSP. Thus, even if these disputed Group 2 Late Claims were allowed, it is highly unlikely that such late claimants would receive any compensation under the Plan from the Settlement Facility.

C. The Court anticipates that the foregoing findings and conclusions would apply to all

other similarly situated late claimants whose late claim requests were or are received by the Court, DCC and the CAC after the Group 2 Late Claims.

Based on the foregoing findings and conclusions, it is hereby ORDERED as follows:

1. All of the Group 2 Late Claims listed on Appendix 1 attached hereto are hereby DENIED with prejudice.¹
2. This Order shall be entered in each of the Group 2 Late Claimants' cases listed on Appendix 1 hereto. Upon entry of this Order in each case, such case shall be CLOSED.
3. This Order shall not affect or establish any rights and/or eligibility, if any, that a Group 2 Late Claimant listed on Appendix 1 hereto may have in the RSP. Any such claimant who wishes to pursue a claim in the RSP may contact the claims administrator for the RSP at the following address: MDL Claims Administrator, P.O. Box 56666, Houston, TX 77256.

Dated: December 13, 2006

/s/ Denise Page Hood
Denise Page Hood
United States District Judge

¹ The following Group 2 Late Claims are denied with prejudice for the additional reason that the late claimant did not file a Response by the deadline set forth in the Court's Scheduling Order No. 2 entered on September 21, 2006: Margaret Brinton (06-12931), Cynthia Chaulk (06-12938), Kay McGuckin (06-12980), Arlene Neufeld (06-12988), Sherry Vorhaben (06-13018), and Anne White (06-13022).

APPENDIX 1**Late Claimants
With Non-Dow
Corning Implants
Implant Manufacturer**

<u>Last Name</u>	<u>First Name</u>	<u>Case Number</u>	<u>Implant Manufacturer</u>
Averill	Jane	06-12928	Bristol (Surgitek)
Bradford	Kris	06-12930	Bristol
Brinton	Margaret	06-12931	3M & McGhan
Caldwell	Carolyn	06-12933	Bristol
Chaulk	Cynthia	06-12938	Bristol (Surgitek)
Gravlin	Patricia	06-12954	McGhan
McGuckin	Kay	06-12980	Bristol (Surgitek)
Neufeld	Arlene	06-12988	Mentor tissue expander
Rice	Helen	06-13002	Bristol (Replicon)
Riggin	Mona	06-13003	Baxter (Heyer-Schulte)
Roller	Emelia	06-13005	Bristol (Surgitek)
Smith	Tammy	06-13012	Bristol (Surgitek)
Vorhaben	Sherry	06-13018	Bristol (Surgitek)
White	Anne	06-13022	Bristol (Surgitek)