

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re: § CASE NO. 00-CV-00005-DT
§ (Settlement Facility Matters)
DOW CORNING CORPORATION, § And Case Nos. Listed on Appendix 1
§ Honorable Denise Page Hood
Reorganized Debtor §

**SCHEDULING ORDER NO. 2 REGARDING
CERTAIN DISPUTED LATE CLAIM REQUESTS (GROUP 5)**

On January 19, 2006, the Court issued an Order approving certain Procedures for Determining Status of Late Claimants and Late Claim Requests (the “Procedures”). On March 30, 2007, Dow Corning Corporation and the Debtor’s Representatives (“Dow Corning”) and the Claimants Advisory Committee (the “CAC”) (collectively, the “Movants”) filed a Fifth Notice of Disputed Late Claim Requests and Proposed Scheduling Orders (the “Fifth Notice”), which identified for the Court certain Late Claim Requests that are in the Disputed Cause category under the Procedures. The Movants sent the Fifth Notice to all of the late claimants (“Late Claimants”) (and to their counsel, if known to the Movants) whose Late Claim Requests are in such category (the “Disputed Requests”). The Late Claimants are listed on **Exhibit 1** attached hereto. This Order shall govern further proceedings on the Disputed Requests through the Initial Status Conference described in paragraph 5 below.

1. **Objections:** **DECEMBER 7, 2007** is the deadline for the Movants to file Objections to the Disputed Requests and to send the Objections to the Late Claimants (and their counsel, if known to the Movants). With each Objection, the objecting party shall also serve a notice (“Notice”) informing the Late Claimants of the deadline for written Responses to be received by the Court, as described in paragraph 2 below. The Notice will also inform the Late Claimants of the date, time and location of the Initial Status Conference described in paragraph 5 below.

2. **Responses: JANUARY 11, 2008** is the deadline for a Late Claimant to file a written Response to the Objection related to her Disputed Request.¹ **The Response must be received by the Court no later than January 11, 2008, 2007 at the following address:**

U.S. District Court
Dow Corning Litigation Unit
231 W. Lafayette
Detroit, MI 48226

Late Claimants must file their Responses on the form attached hereto as **Exhibit 2**. The Response must state in writing why the Late Claimant does not agree with the Objection and any additional reasons for lateness that the Late Claimant has not previously told the Court in writing. A Late Claimant or her counsel may file a legal memorandum in addition to a Response, but any such memorandum must be received by the Court at the foregoing address **no later than January 11, 2008**.

3. **Failure to File a Response: If the Court does not receive a Response from a Late Claimant by January 11, 2008**, either of the Movants will file a document with the Court stating that no Response was received. A copy of that document will be sent to the Late Claimant in question and to the Movants. Based on this document, **the Court may deny the relevant Disputed Request with prejudice (that is, the Court may permanently rule that the Late Claimant cannot participate in the Dow Corning settlement program) without further notice or a hearing**, or the Court may set a status conference for further proceedings.

4. **Replies: FEBRUARY 15, 2008** is the deadline for Dow Corning and/or the CAC to file a Reply to any Response.

5. **Initial Status Conference; Initial Status Report; Scheduling Orders:** The Court will hold an Initial Status Conference on the Disputed Requests on **MARCH 20, 2008 at**

¹

The CAC may file a response to an Objection, and Dow Corning reserves all rights with respect to any such response.

9:00 a.m. in the courtroom of Judge Denise Page Hood, located on the second floor of the Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan. No later than **MARCH 6, 2008**, the Movants shall file and send to the Late Claimants (and their counsel, if known to the Movants) an initial status report containing the following information: (a) the date the Objection was filed and sent to the Late Claimants or their counsel, (b) the identity of the Late Claimants who filed a Response and those who did not, (c) recommended scheduling orders, and (d) any other information or recommendation that may be helpful to the Court.

No later than **MARCH 6, 2008**, the Movants shall send proposed scheduling orders to the Late Claimants (and their counsel, if known to the Movants). The proposed scheduling orders may set discovery deadlines and the date for a final hearing on each Objection. *A Late Claimant, or counsel for a Late Claimant, is not required to attend the Initial Status Conference if she consents to the proposed scheduling order for her Disputed Request.*

6. **Final Hearing Dates.** Final hearing dates with respect to the Disputed Requests will be determined at the Initial Status Conference and set forth in scheduling orders that will be served on all parties.

Dated: August 27, 2007

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

EXHIBIT 1

Late Claimants in Disputed Cause Category
(Group 5)

<u>Last Name</u>	<u>First Name</u>	<u>Case #</u>
Allington	Michelle	07-11422
Barr	Diana	07-11423
Bean	Patricia	07-11424
Beck	Elizabeth	07-11425
Becvar	Brook	07-11426
Bell	Sharon	07-11427
Bynum	Sheila	07-11428
Carlyon	Sherry	07-11429
Carter-Harper	Penny	07-11430
Collins	Sharon	07-11431
Crouse	Gail	07-11432
Cuda	Norma	07-11433
Cuffe	Adriene	07-11434
Dellinger	Elizabeth	07-11435
Devlin	Susan	07-11436
Green	Susan	07-11437
Halverson	Melody	07-11438
Hamilton	Sondra	07-11439
Harville	Karen	07-11440
Jones	Rebecca	07-11441
Kleiber	Katherine	07-11442
La Centra	Jacquetta	07-11443
Lambkin	Sara	07-11444
Legler	Eileen	07-11445
Lehn	Nancy	07-11446
Levesque	Janna	07-11447
Ludwig	Julia	07-11448
McCall	Dorothy	07-11449
Miller	Marilyn	07-11450
Miller	Jane	07-11451
Morgan	Patricia	07-11452
Nabors/Arnold/Robb	Christell	07-11453
O'Brien	Nancy	07-11454
Pape	Theresa	07-11455
Parker	Cindy	07-11456
Peters	Donis	07-11457
Turner	Jill	07-11458
Vrba	Barbara	07-11459
Wagner	Cindy	07-11460
Wamelink	Karen	07-11461
Weeks	Linda	07-11462
Williams	Janice	07-11463
Winters	Anne	07-11464
Wurzbacher	Susan	07-11465
Young	Janet	07-11466

EXHIBIT 2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:) _____
)
DOW CORNING CORPORATION,) *Place label with your*
) *case number here*
Reorganized Debtor) _____

**RESPONSE TO OBJECTION TO LATE CLAIM REQUEST
(SCHEDULING ORDER NO. 2—GROUP 5)**

TO THE HONORABLE DENISE PAGE HOOD, UNITED STATES DISTRICT JUDGE:

1. Name of Late Claimant: _____

2. List all prior names you have used since 1991: _____

3. Who manufactured your implant(s): _____

4. What type of implant(s) do you have (breast, hip, knee, etc.): _____

5. Did you file a claim in the original breast implant global settlement (1994) in the MDL-926 case? _____ YES _____ NO

6. State below in detail all reasons you do not agree with the Objection filed to your Late Claim Request and any additional reasons (that you have not previously told the Court in writing) that you did not timely file a claim in the Dow Corning bankruptcy case by the applicable deadline.² Use additional paper if necessary. You may also attach any documents that you believe support your Late Claim Request.

² _____

The deadline for filing a Proof of Claim in the Dow Corning bankruptcy case was January 15, 1997 (or February 14, 1997 for foreign claimants), although the Bankruptcy Court allowed Proofs of Claim filed by November 30, 1999 to be considered timely. The deadline for submitting a Notice of Intent in the Dow Corning bankruptcy case was August 30, 2004.

