

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**In re:**

**SETTLEMENT FACILITY –  
DOW CORNING TRUST**



**Case No. 00-CV-00005-DT  
(Settlement Facility Matters)**

**Hon. Denise Page Hood**

**ORDER SEALING DECLARATION AND EXHIBITS OF DOW  
SILICONES CORPORATION AND THE DEBTOR’S REPRESENTATIVES**

The Court, having considered the Agreed Motion to File Certain Materials Under Seal (the “Motion”) submitted by submitted by Dow Silicones Corporation and the Debtor’s Representatives (collectively, “Movants”), finds and concludes that the Motion is meritorious and should be granted.

It is hereby ordered that the following declaration and exhibits 1 through 6 annexed thereto to Movant’s Response to the Revised Finance Committee’s Recommendation and Motion for Authorization to Make Second Priority Payments, are sealed.

Movants requested that the Court seal this declaration and exhibits 1 through 6 annexed thereto because they contain information concerning confidential financial information of the Settlement Facility-Dow Corning Trust. Courts in the Sixth Circuit have recognized that protecting privacy rights of third parties, including those parties’ financial or proprietary information, may justify filing

certain information under seal. *See Brown v. Williamson Tobacco Corp. v. Federal Trade Commission*, 710 F.2d 1165, 1179 (6th Cir. 1983); *Vitel Diagnostics, Inc. v. Bossardet*, 11-cv-14575, 2012 WL 6028428 (E.D. Mich. Oct. 12, 2012).

Additionally, Section 10.10 of the Settlement Facility and Fund Distribution Agreement (“SFA”) provides that:

Copies of all documents, notices, statements, reports, projections, motions, or similar documents provided to any party or to the Claimants’ Advisory Committee or the Debtor’s Representatives under this Agreement shall be provided on a confidential basis and shall be kept confidential by all other such parties, Claimants’ Advisory Committee or Debtor’s Representatives unless such information is otherwise publicly available. Such confidential information provided under this Agreement can be used in any proceeding in the Court, the MDL 926 Court, the District Court or any applicable appellate court provided the party using such information takes reasonable steps to protect the confidential nature of the information.

The document for which Movants seeks a sealing Order falls within the scope of this provision and, accordingly, is subject to protected privacy interests. Public filing of the documents is likely to prejudice those interests. For these reasons, the declaration and exhibits 1 through 6 annexed thereto, should be sealed. Movants are authorized to file the declaration and exhibits under seal. IT IS ORDERED that the Joint Motion to Seal (ECF No. 1582) is GRANTED.

29th of January, 2021

S/DENISE PAGE HOOD  
HON. DENISE PAGE HOOD  
CHIEF JUDGE