

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:	§	VARIOUS CASES LISTED ON
	§	APPENDICES 1, 2, and 3
DOW CORNING CORPORATION,	§	Master File: CV-00005-DPH
	§	(Settlement Facility Matters)
REORGANIZED DEBTOR	§	Honorable Denise Page Hood

**AGREED ORDER ALLOWING CERTAIN LATE CLAIMANTS  
LIMITED RIGHTS TO PARTICIPATE IN THE PLAN'S SETTLEMENT FACILITY**

Now pending before the Court are numerous late claim requests. This Agreed Order allows certain late claimants, referred to as the “Eligible Late Claimants,” limited rights to participate in the settlement options under the Amended Joint Plan of Reorganization (the “Plan”) provided they satisfy the eligibility criteria in the Plan. **The Eligible Late Claimants are listed on Appendices 1-3 attached to this Agreed Order and are described in Paragraph 1 below. Individuals whose names are listed on Appendix 1, 2, or 3 are Eligible Late Claimants and may file claim forms to participate in the late claim settlement described in this Agreed Order.** The late claim requests of Eligible Late Claimants are referred to in this Agreed Order as the “Late Claim Requests.”

Pursuant to the “Procedures for Determining Status of Late Claimants and Late Claim Requests” previously approved by the Court (the “Procedures”), the Claimants’ Advisory Committee (the “CAC”), Dow Corning Corporation (“DCC”), and the Debtor’s Representatives (“DRs”) have reviewed and considered the Late Claim Requests and hereby stipulate and agree, and the Court finds and concludes, as follows:

A. Numerous persons who did not timely file a Proof of Claim (“POC”) or a Notice of Intent (“NOI”) in the DCC bankruptcy case have submitted written requests to the Court seeking authority to participate as timely claimants in the settlement options under the Plan, as

administered by the Settlement Facility-Dow Corning Trust (the “SF-DCT”). The Court continues to receive additional late claim requests on an ongoing basis. All late claimants bear the burden of proving that their failure to timely file a POC or an NOI was the result of excusable neglect.

B. DCC has filed objections to the Late Claim Requests, arguing that late claimants had sufficient notice of the claim-filing deadlines and that the late claimants cannot satisfy the excusable neglect standard. The CAC filed pleadings urging the Court to consider favorably the Late Claim Requests of certain Eligible Late Claimants.

C. The CAC and DCC agree that the costs, time and resources involved in the oversight and litigation of late claim requests are significant and that continued litigation will consume Settlement Fund assets and create uncertainty and potentially prejudice the rights of timely filed claimants. Accordingly, pursuant to the Procedures, the CAC and DCC have agreed to the allowance of Eligible Late Claimants on the terms and conditions set forth in this Agreed Order.

D. Because the CAC supports the allowance of Eligible Late Claimants under the terms of the settlement provided in this Agreed Order as fair, reasonable and appropriate, the CAC and its counsel will not assist or file pleadings supporting the allowance of any Eligible Late Claimant who rejects this settlement, and the CAC has requested that this Court withdraw and seal all pleadings the CAC filed regarding late claims, which request the Court GRANTS.

E. This Agreed Order does not constitute or imply any assertion or stipulation by the CAC or DCC, nor any finding, conclusion, or determination by the Court, that any late claimants, including the Eligible Late Claimants, have established excusable neglect. Further, this Agreed Order is limited to the consensual allowance of the Late Claim Requests and will

have no favorable effect or bearing on the late claim request of any other late claimant or group of late claimants.

WHEREFORE, based on the foregoing stipulations, findings, and conclusions, it is hereby ADJUDGED, ORDERED and DECREED as follows:

1. The terms and conditions set forth in this Agreed Order shall apply to all Eligible Late Claimants identified on Appendices 1-3 attached hereto. The term “Eligible Late Claimants” is defined as any person who (a) did not timely file a POC or an NOI in the DCC bankruptcy case; (b) submitted a late claim request that was dated on or before June 1, 2007 and received by the Court on or before June 5, 2007, seeking authority to participate in the Plan’s settlement options; and (c) either (i) has a breast implant manufactured by DCC and whose claim is now being placed in Class 5, 6.1, or 6.2 (a “DCC Eligible Late Claimant”), *or* (ii) has a silicone gel breast implant manufactured by a company other than DCC as set forth in Section 6.04(b) of Annex A to the Settlement Facility and Fund Distribution Agreement (“Annex A”) and whose claim is now being placed in Class 7 (Silicone Gel Claimants’ Fund) and is deemed under the Plan to have marshaled all recoveries (a “Class 7 Eligible Late Claimant”), *or* (iii) has a Covered Other Product manufactured by Dow Corning as set forth in Section 6.03(a) of Annex A and whose claim is now being placed in Class 9, 10.1, or 10.2 (a “DCC Eligible Other Products Late Claimant”).<sup>1</sup>

2. Settling Late Claimants, as defined in Paragraph 12 below, shall be deemed to have filed an Implant Proof of Claim Form and do not need to file anything further with the Court to accept the terms of this settlement. Settling Late Claimants may pursue the settlement

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<sup>1</sup> The initial classification of Eligible Late Claimants into the three categories, as reflected on Appendices 1-3, is based on the information provided by the Eligible Late Claimants. Upon review of claim submissions by Eligible Late Claimants, the SF-DCT shall determine the appropriate classification of the Eligible Late Claimants.

options available to them under this Agreed Order. However, **Settling Late Claimants must timely submit all applicable claim forms and supporting documents to the SF-DCT by the deadlines stated in this Agreed Order to apply for compensation and must satisfy all eligibility requirements provided in the Plan and the Plan Documents to qualify for payment.** All payments to Settling Late Claimants shall be made in U.S. Dollars.

**A. Settlement Option for DCC Eligible Late Claimants (Classes 5, 6.1, and 6.2).**

3. The DCC Eligible Late Claimants are listed on Appendix 1 attached hereto. To be eligible for payment, all DCC Eligible Late Claimants must meet the threshold eligibility criteria set forth in Section 5.01 of Annex A and must meet the criteria applicable to Settling Personal Injury Claimants (as defined in the Plan) as set forth in the Plan Documents. The criteria and requirements set forth in the Plan and Plan Documents apply to DCC Eligible Late Claimants except as modified by this Order. DCC Eligible Late Claimants shall not be eligible for Premium Payments.

4. Each DCC Eligible Late Claimant who accepts or is deemed to accept this settlement shall be permitted to elect one of three settlement options. After a DCC Eligible Late Claimant elects one of these settlement options, that election is final and cannot be changed. The DCC Eligible Late Claimant shall indicate the election on the claim forms provided by the SF-DCT. The three settlement options are as follows:

(a) **“Quick-Pay Option.”** Under the Quick-Pay Option, DCC Eligible Late Claimants may apply for and, if approved, shall receive a one-time payment as set forth below in exchange for a release of all claims for Explant, Rupture, Disease, and Expedited Release.

	Class 5	Class 6.1	Class 6.2
QUICK-PAY OPTION	\$1,750	\$1,050	\$612

**OR**

(b) **“Discounted Payment Option.”** Under the Discounted Payment Option, DCC Eligible Late Claimants may apply for and, if approved, shall receive a maximum payment of 40% of the Explant Payment, 40% of the Base Payment for Rupture, and/or 40% of the Expedited Release Payment as follows:

DISCOUNTED PAYMENT OPTION	Class 5	Class 6.1	Class 6.2
Explant	\$2,000	\$1,200	\$700
Rupture	\$8,000	\$4,800	\$2,800
Expedited Release	\$800	\$480	\$280

**OR**

(c) **“Full Payment Long-Term Option.”** Under the Full Payment Long-Term Option, DCC Eligible Late Claimants may apply for and, if approved, shall receive 100% of the Explant Payment, 100% of the Base Payment for Rupture, and/or 100% of either the Expedited Release Payment or the Disease Option 1 Payment, as applicable to that claimant’s Plan Class, but only if the total amount of all such payments (i) will not have any effect on the payment of Base Payments to timely filed claimants, including timely NOI claimants, and (ii) will not have a materially adverse effect on the payment of Premium Payments to timely filed claimants, including (if applicable) timely NOI claimants, as specified in more detail below. DCC Eligible Late Claimants are not eligible for Disease Option 2 benefits. **DCC Eligible Late Claimants**

**should carefully read Paragraph 7 below before selecting the Full Payment Long-Term Option because payment will not be made for several years.**

5. To qualify for the Quick-Pay Option, a DCC Eligible Late Claimant must submit a Proof of Manufacturer Form with acceptable proof of a Dow Corning breast implant as required by the Plan. Such Proof of Manufacturer Form and acceptable proof must be postmarked or received by the SF-DCT on or before one (1) year after the date the SF-DCT mails claim form packages to DCC Eligible Late Claimants. The SF-DCT shall promptly process the Quick-Pay Option claims in FIFO (first in, first out) order along with claims for Expedited Release filed by timely claimants and shall promptly pay all approved Quick-Pay Option claims. Eligible Late Claimants who elect the Quick-Pay Option shall not be eligible for any other claim for payment under the Plan.

6. To qualify for the Discounted Payment Option, DCC Eligible Late Claimants must submit (a) a Proof of Manufacturer Form with acceptable proof of a Dow Corning breast implant as required by the Plan, and (b) claim forms with supporting documents for an Expedited Release, Explant, and/or Rupture claim, as applicable. All claim forms and supporting documents must be postmarked or received by the SF-DCT on or before one (1) year after the date the SF-DCT mails claim form packages to DCC Eligible Late Claimants. To be eligible for a Rupture payment, a DCC Eligible Late Claimant must submit documents as specified in the Plan that demonstrate through acceptable proof that the DCC silicone gel breast implant that is allegedly ruptured was removed on or before June 1, 2006 or that the DCC Eligible Late Claimant satisfied the requirements for the Medically Contraindicated Rupture Option as of June 1, 2006. To be eligible for an Explant payment, a DCC Eligible Claimant must submit documents as specified in the Plan that demonstrate through acceptable proof that her DCC silicone gel breast implants were removed on or before one (1) year from the date the SF-DCT

mails claim form packages to DCC Eligible Late Claimants. The SF-DCT shall process claims submitted under this Discounted Payment Option after the SF-DCT substantially completes the review of timely NOI claims. The SF-DCT Claims Administrator (“Claims Administrator”) shall ensure that the processing of such DCC Eligible Late Claims will not impede the processing and payment of timely NOI claims. Eligible Late Claimants who elect the Discounted Payment Option shall not be eligible for any other claim for payment under the Plan.

7. To qualify for the Full Payment Long-Term Option, DCC Eligible Late Claimants must submit (a) a Proof of Manufacturer Form with acceptable proof of a Dow Corning breast implant as required by the Plan, and (b) claim forms and supporting documents for Explant, Rupture, and/or Disease Option 1 or Expedited Release, as applicable. All claim forms must be postmarked or received by the SF-DCT on or before one (1) year after the date the SF-DCT mails claim form packages to DCC Eligible Late Claimants. To be eligible for a Rupture payment, a DCC Eligible Late Claimant must submit documents as specified in the Plan that demonstrate through acceptable proof as specified in the Plan that the DCC silicone gel breast implant that is allegedly ruptured was removed on or before June 1, 2006 or that the DCC Eligible Late Claimant satisfied the requirements for the Medically Contraindicated Rupture Option as of June 1, 2006. To be eligible for an Explant payment, a DCC Eligible Late Claimant must submit documents as specified in the Plan that demonstrate through acceptable proof that her DCC silicone gel breast implant(s) was/were removed on or before one (1) year from the date the SF-DCT mails claim form packages to DCC Eligible Late Claimants. The SF-DCT shall process claims submitted under this Full Payment Long-Term Option only after the Claims Administrator determines that the SF-DCT has substantially completed processing the claims of timely NOI claims and timely Class 7 claims and that processing of such DCC Eligible Late Claimants will not impair or impede the processing of timely claims in general. DCC Eligible

Late Claimants who elect the Full Payment Long-Term Option shall be eligible to receive payment only if and after the Court determines that payment of such claims (a) will not have any effect on the payment of Base Payments to timely filed claimants, including timely NOI claimants, and (b) will not have a materially adverse effect on the payment of Premium Payments to timely filed claimants, including (if applicable) timely NOI claimants. The CAC and DCC may agree that the Court may make such determination on an expedited basis upon the joint submission of the CAC, DCC, and the Claims Administrator that includes the number of DCC Eligible Late Claimants who elect the Full Payment Long-Term Option, the number of such individuals who qualify for payment under such option, the aggregate cost of paying such qualified claims, the most recent analysis of the Independent Assessor estimating the funds required to pay pending and anticipated timely claims and NOI claims and showing that payment of the DCC Eligible Late Claimants who elect this option will not affect such payments. If the CAC and DCC do not so agree, then the Claims Administrator shall require the Independent Assessor to conduct a review and analysis of the DCC Eligible Late Claimants who elect this option in connection with the Independent Assessor's preparation of the regular quarterly report. Once the Claims Administrator makes a determination of the effect of payments to DCC Eligible Late Claimants under this option on the payment to timely filed claimants, then the Claims Administrator shall so notify the CAC and the DRs and shall further submit a motion to the Court stating his recommendation regarding payment under this option. The Claims Administrator shall also submit the Independent Assessor's findings to the Court. The DRs and the CAC will have the right to obtain, at their own expense, additional information concerning the analysis in the Independent Assessor's report and respond to the motion by the Claims Administrator. If, before filing such motion, the Claims Administrator determines that full payment to the DCC Eligible Late Claimants who elect this option will have an effect on Base or



Premium Payments to timely claimants, then, before filing the motion, the Claims Administrator shall confer with the CAC and the DRs to determine whether the parties can agree on a reduction in the payment to the late claimants. If the Court determines after notice and opportunity for hearing that the payments to DCC Eligible Late Claimants under this option (a) will not have any effect on the payment of Base Payments to timely filed claimants, including timely NOI claimants, and (b) will not have a materially adverse effect on the payment of Premium Payments to timely filed claimants, including (if applicable) timely NOI claimants, and such determination has become final (meaning that it has not been appealed or that all appeals have been concluded and affirm the determination of the Court), then the Claims Administrator shall be authorized to issue payments. If the Court determines that the payments to DCC Eligible Late Claimants who elected the Full Payment Long-Term Option either (a) will have an effect on the payment of Base Payments to timely filed claimants including timely NOI claimants, or (b) will have a materially adverse effect on the payment of Premium Payments to timely filed claimants, including (if applicable) timely NOI claimants, then the Claims Administrator shall determine, in consultation with the CAC and the DRs, whether and to what extent the payment to these DCC Eligible Late Claimants who elected the Full Payment Long-Term Option can be reduced to eliminate the adverse effect on timely filed claimants. The Claims Administrator shall file a motion with the Court seeking approval of the reduced payment to DCC Eligible Late Claimants who elect this option. The CAC and the DRs shall have the right to respond to such motion and seek information from the Claims Administrator regarding the basis for the proposed reduction.

**B. Settlement Option for Class 7 Eligible Late Claimants.**

8. The Class 7 Eligible Late Claimants are listed on Appendix 2 attached hereto. Class 7 claimants who filed timely claims and Class 7 Eligible Late Claimants are not eligible for Rupture, Explant, or Premium Payments.

9. Each Class 7 Eligible Late Claimant may elect between two payment options. After a Class 7 Eligible Late Claimant elects one of these payment options, that election is final and cannot be changed. The two payment options are as follows: the Class 7 Expedited Release Payment of \$600 (U.S.) or the Class 7 Disease Base Payment Option 1.<sup>2</sup> Class 7 Eligible Late Claimants who elect the Disease Base Payment Option 1 can receive payment for Disease only if there are sufficient funds remaining in the Silicone Gel Claimants' Fund after payment of the maximum amount allowed under the Plan to qualified claims of all timely filed Class 7 claims. To qualify for an Expedited Release Payment or a Disease Base Payment Option 1, a Class 7 Eligible Late Claimant must submit a Class 7 claim form with supporting documentation that meets the product identification and other applicable eligibility criteria for these settlement options under the Plan. The Class 7 claim form and all supporting documentation must be postmarked or received by the SF-DCT on or before six (6) months after the date the SF-DCT mails claim form packages to the Class 7 Eligible Late Claimants. The SF-DCT shall process the documentation submitted by Class 7 Eligible Late Claimants according to the SF-DCT's standard operating guidelines, including, without limitation, the processing of claims in the order in which the claim forms and supporting materials are received.

C. **Settlement Option for DCC Eligible Other Products Late Claimants – Classes 9, 10.1, and 10.2.**

10. DCC Eligible Other Products Late Claimants may elect to apply for either an Expedited Release Payment or a Medical Condition Payment as defined in Section 6.03(d) of Annex A. After a DCC Eligible Other Products Late Claimant elects one of these payment options, that election is final and cannot be changed. Approved claims shall be paid 40% of the Base Payment for that claimant's Class as set forth in the Plan. To qualify for an Expedited

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<sup>2</sup> The Plan does not provide any settlement benefits for Rupture or Explant claims for Class 7 claimants.

Release Payment or a Medical Condition Payment, a DCC Eligible Other Products Late Claimant must submit a claim form with supporting documentation that meets the product identification and other applicable eligibility criteria for these settlement options under the Plan. The claim forms and all supporting documents must be postmarked or received by the SF-DCT on or before six (6) months after the date the SF-DCT mails claim form packages to DCC Eligible Other Products Late Claimants. DCC Eligible Other Products Late Claimants shall not be eligible for Premium Payments or Enhanced Payments or for any distribution of any excess funds in the Covered Other Products Fund after payment of all eligible claims under the compensation schedule in the Plan.

**D. Procedure for Acceptance or Rejection of Settlement Option by Eligible Late Claimants.**

11. The CAC shall serve a copy of this Agreed Order on the Eligible Late Claimants and, if known, their counsel within ten (10) days after entry of this Agreed Order. Service of this Agreed Order shall be accompanied by (a) a written recommendation from the CAC advocating acceptance of the settlement set forth in this Agreed Order and outlining the consequences of non-acceptance, including the costs, burdens, risk and delay associated with litigating a late claim request and that because the CAC is supporting this settlement, the CAC will not assist or file any pleadings supporting any late claimant who rejects this settlement, and (b) a form that Eligible Late Claimants may use to notify the Court of their acceptance of this settlement offer.

12. Eligible Late Claimants who affirmatively accept the terms of this Agreed Order or fail to timely reject the terms of this Agreed Order by filing with the Court a written notice of rejection no later than thirty (30) days after the date this Agreed Order is sent to Eligible Late Claimants (see Paragraph 14 below) shall be deemed “Settling Late Claimants.” Settling Late Claimants are bound by the terms of this Agreed Order, are limited to the rights specified in this

Agreed Order, and are barred from seeking any other distribution under the Plan and from further litigating their Late Claim Requests.

13. Eligible Late Claimants may affirmatively accept the terms of this Agreed Order by sending a written notice to the Court,<sup>3</sup> within thirty (30) days after the date this Agreed Order is sent to Eligible Late Claimants, that they accept the settlement terms of this Agreed Order. A form the Eligible Late Claimants may use for such written notice to the Court shall be enclosed with the service copy of this Agreed Order. However, an Eligible Late Claimant who wishes to accept the settlement option in this Agreed Order is not required to take any action to accept the settlement, and upon the expiration of thirty (30) days after the date that this Agreed Order is sent to Eligible Late Claimants, any Eligible Late Claimant who has not timely filed a notice rejecting this Agreed Order pursuant to Paragraph 14 below will be deemed to have accepted the terms of this Agreed Order and to have withdrawn his or her Late Claim Request with prejudice (that is, permanently). Acceptance (including deemed acceptance) of this Agreed Order is final and binding and may not be revoked and such case will be DISMISSED with prejudice.

14. An Eligible Late Claimant who wants to reject the settlement set forth in this Agreed Order and continue litigating his or her Late Claim Request must (a) send a written notice to the Court, which must be received by the Court on or before thirty (30) days after the date this Agreed Order is entered, stating that the Eligible Late Claimant rejects the Agreed Order and elects to litigate his or her late claim request, and (b) send a copy of that notice to both the CAC and DCC.<sup>4</sup> The notice served with this Agreed Order shall specify the date by which the rejection notice must be received by the Court. **If you are an Eligible Late Claimant and**

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<sup>3</sup> **The address for the Court is: U.S. District Court, Dow Corning Litigation Unit, 231 W. Lafayette, Detroit, MI 48226.**

<sup>4</sup> **The address for the CAC is: P.O. Box 665, St. Marys, OH 45885. The address for DCC is: P.O. Box 7500, Midland, MI 48686-7500.**

**you reject the settlement in this Agreed Order, your only option will be to continue litigating your Late Claim Request before the Court, without any assistance from the CAC, and you will be required to prove that you satisfy the stringent excusable neglect standard that applies to your Late Claim Request.** Any Eligible Late Claimant who does not timely reject the settlement option in this Agreed Order by complying with the above requirement shall be deemed a Settling Late Claimant.

15. The CAC and DCC agree, and the Court finds, that late claim requests dated after June 1, 2007 or received by the Court after June 5, 2007 are presumptively without merit and that the allowance of these late claim requests other than through an agreement by DCC and the CAC and an order of this Court would unfairly prejudice the interests of timely filed claimants, increase the administrative burdens and costs of the SF-DCT, undermine the SF-DCT's need for certainty in formulating accurate projections and administering the Settlement Fund, and threaten the important rule of finality inherent in the confirmation of the Plan under the Bankruptcy Code. Further, notice of the relevant claim-filing deadlines was provided in the DCC bankruptcy case (including notice of the distribution of claim packages in 2003 along with Claimant Information Guides) and over ten years have lapsed since the deadline for filing POCs (the "Bar Date"); over eight years have lapsed since the solicitation of votes on the Plan; over four years have lapsed since the SF-DCT mailed claim packages containing claim deadline information; and over three years have lapsed since the Effective Date of the Plan (June 1, 2004). Further, the Court takes judicial notice that DCC conducted an international notice campaign in 1996 to notify known and unknown claimants of the Bar Date. That notice campaign was approved by the bankruptcy court, which found that it satisfied all due process requirements. The Court also takes judicial notice that the Plan Documents, the Amended Joint Disclosure Statement, and other materials used to solicit acceptances of the Plan informed implant recipients that they could file an NOI on or

before ninety (90) days after the Effective Date of the Plan (the “NOI deadline”) and have all the rights specified in the POC filed on their behalf under Bankruptcy Rule 3005. In addition, notice of the NOI deadline was provided in the claim form packages that the SF-DCT mailed in 2003. Thus, for the foregoing reasons, DCC and the CAC agree, and the Court finds, that a showing of excusable neglect by late claimants whose late claim requests were dated after June 1, 2007 or filed after June 5, 2007 is highly unlikely except in rare, unique and extraordinary circumstances, absent which the Court will strictly enforce the deadlines for filing a POC or NOI in the DCC bankruptcy case. DCC and the CAC will oppose the allowance of all late claim requests that do not present such rare, unique and extraordinary circumstances.

16. Eligible Late Claimants who reject the settlement in this Agreed Order by timely filing a rejection notice pursuant to Paragraph 14 are required to litigate their Late Claim Requests individually and at their own expense and without the assistance or support of the CAC. The CAC supports this settlement and will not assist or file any pleading supporting any Eligible Late Claimant who timely rejects this settlement.

**E. Settling Late Claimants Must File Settlement Claim Forms with the SF-DCT; Related Deadlines.**

17. DCC and the CAC shall send the Claims Administrator a list of all Settling Late Claimants promptly after the deadline in Paragraph 14 for Eligible Late Claimants to reject this settlement. Within ten (10) business days after the Claims Administrator receives the list from DCC and the CAC, the SF-DCT shall send each Settling Late Claimant a claim form package applicable to his or her Plan Class along with a form that will allow a Settling Late Claimant in Class 5 or 6 to choose between the Quick-Pay Option, the Discounted Pay Option, and the Full Payment Long-Term Payment Option. Settling Late Claimants in Class 7 will also be sent a form to indicate their choice between an Expedited Release Payment or Disease claim. Settling

Late Claimants in Classes 9, 10.2, or 10.2 will be sent a form to indicate their choice between an Expedited Release Payment or a Medical Condition Payment. The Claims Administrator shall send notice, including the date of service, of such mailing to the CAC and DRs and shall provide monthly reports concerning these claims.

**F. Miscellaneous.**

18. As part of this settlement, the CAC has requested that all briefs and responses on late claim matters that it filed in the Master Docket Case Number CV-00005-DPH and in the individually docketed cases of the Eligible Late Claimants shall be withdrawn and sealed or removed from the public docket, and this Court GRANTS this request.<sup>5</sup> *The Motion (1) to Strike the Omnibus Reply of Claimants' Advisory Committee Regarding Disputed Late Claims (Group 1) and Response to Certificate of Non-Response Filed by Dow Corning with Regard to Certain Disputed Late Claims and (2) to Disqualify the Claimants' Advisory Committee from Representing Late Claimants* shall be deemed moot and shall be withdrawn by DCC.

19. The CAC and DCC are directed and authorized to prepare appropriate forms of notice and scripts to be used by the SF-DCT to inform late claimants of this Agreed Order, and the SF-DCT is authorized and directed to provide a copy of this Agreed Order to any person who inquires about filing a late claim request.

20. The CAC and DCC are directed to prepare appropriate scheduling orders for the litigation of Late Claim Requests by Eligible Late Claimants who reject this settlement. Litigation of such Late Claim Requests and other late claim requests that are not subject to this settlement shall commence after the conclusion of the one (1)-year deadline set forth in this Agreed Order for DCC Eligible Late Claimants to file claim forms and supporting

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<sup>5</sup> The parties shall identify the documents which they seek to be sealed by docket number in Master Case No. 00-00005 and in the individual case numbers.

documentation with the SF-DCT. In any such litigation, Eligible Late Claimants or other late claimants must prove that they meet the stringent standard of excusable neglect. Neither DCC nor the CAC will support the allowance of any such late claim request absent rare, unique and extraordinary circumstances.

Dated: 12/12/2007

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

**AGREED:**

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## APPENDIX 1

<u>Last Name</u>	<u>First Name</u>	<u>Case #</u>
Adams	Carol	06-11456
Albert	Jan	06-11386
Alley	Patricia	06-11349
Angell	Meta	06-11455
Appelman	Jody	06-11436
Arnett	Phyllis	06-11444
Bailey	Phyllis	06-11424
Banks	Marla Mona	06-11409
Baxter	Joy	06-11427
Biegel	Susan	06-11373
Bliss	Carolyn	05-32006
Boyd	Frances	05-32011
Brookshire	Judith	06-11401
Brown	Sandra	06-11388
Bruno	June	06-11350
Campbell	Brenda	06-11366
Carlson	Elizabeth	06-11437
Carter	Elaine	06-11383
Carter-Smith	Rose Ann	06-11520
Chaney	Shelly	06-11357
Chapman	Linda	06-11343
Chase	Jennifer	06-11370
Chauffy	Carolyn	06-11464
Chauncey	Patti	06-11365
Clement	Erin	06-11423
Collis	Linda	06-11533
Cook	Andrea	06-11413
Coplen-Harold	Ann	06-11451
Coroniti	Joyce	06-11507
Crosby	Nancy	06-11417
Cross	Brenda	06-11426
Davis	Delana	05-32002
Deffenbaugh	Sonia	06-11538
Demers	Deborah	06-11454
Dillon	Patricia	06-11492
Doyle	Robin	06-11521
Ducusin	Jeanie	06-11485
Dunn	Judith	06-11403
Emge	Carol	06-11392
Evangelista	Lori	06-11495
Fielder	Vicki	06-11345
Fischer	Mary	06-11477
Fischer	Debra	06-11489
Foster	Grace	06-11408
French	Patricia	06-11539
Fuchs	Darlene	06-11355
Fuerst	Elizabeth	06-11498
Fuller	Gwendolyn	06-11353
Gaulin	Sharon	06-11419
Geise	Wilma	06-11508
Gilliland	Martha	06-11537

## **APPENDIX 1**

Glidewell	Andrea	06-11458
Goetter	Jacqueline	06-11400
Gourley-Rosendahl	Linda	06-11420
Green	Judy	06-11369
Hall	Mary	06-11506
Hammer	Sarah	06-11439
Hatfield	Jacqueline	06-11367
Hess	Linda	06-11411
Hnat	Sarah	06-11453
Hooker	Lois	06-11505
Hopewell	Marilyn	06-11377
Hull	Norma	06-11452
Itzig	Terry	06-11434
Jackson	Janet	06-11518
Jeffrey	Diane	06-11491
Johnson	Lauri	05-32004
Jurgensmeyer	Mary	06-11351
Knapp	Jillian	06-11484
Kosinski	Nancy	06-11516
Lazarano	Ivete	06-11449
Leonard	Linda	06-11462
Lettang	Lisa	06-11483
Malone	Peggy	06-11438
Maltz	Margaret	06-11529
Martinez	Jeannie	06-11421
Mayer	Gloria	06-11407
McCaffrey	Elizabeth	06-11415
McPherson	Clista	06-11448
Menendez	Diana	06-11374
Milligan	Joyce	06-11513
Mitchell	Brenda	06-11543
Munro	Judi	06-11457
Murphy	Dorette	06-11503
Nall	Cathy	06-11371
Neal	Charlene	06-11396
Newman	Kathryn	06-11487
Ore	Martha	06-11536
Pai	Debra	06-11504
Parsons	Janice	06-11362
Penney	Linda	06-11393
Perea	Kathy	06-11416
Ponce	Toni	06-11385
Porter	Marilyn	06-11540
Poslick	Connie	06-11517
Reising	Sandra	06-11390
Richardson	Marie	06-11497
Rogers	Jean	06-11526
Rohrbaugh	Carol	06-11541
Roussey	Jill	06-11344
Ruggeri	JoAnn	06-11496
Russo	Susan	06-11442
Ryals	Patricia	06-11360

## APPENDIX 1

Ryan	Ann	06-11412
Sanders	Janell	06-11399
Scarborough	Carolyn	06-11468
Scott	Colleen	06-11500
Serra-Attiles	Edith	06-11440
Sessions	June	06-11474
Shute	Nina	06-11368
Sigala	Carol	06-11376
Stevens	Brenda	06-11339
Stewart	Janice	06-11375
Stewart	Marcia	06-11524
Takahashi	Marie	06-11467
Talbott	Helen	06-11342
Thom	Julie	06-11472
Thorne	Patricia	06-11387
Viens	Janet	06-11363
Wakefield	Judith	06-11422
Wallace	Barbara	06-11475
Ward	Marsha	06-11425
Weaver	Evie	06-11501
Webb	Mary	06-11410
Westbrook	Dianne	06-11397
Willoughby	Sharon	06-11429
Wittenwyler	Beverly	06-11486
Abel	Doreen	06-12923
Anderson	Lisa	06-12924
Angle	Elizabeth	06-12925
Atkinson	Linda	06-12926
Backer	Wanda	06-12929
Buchanan	Sookhi	06-12932
Carpenter	Carolyn	06-12934
Carver	Nancy	06-12935
Charland	Marilyn	06-12936
Cicccone	Lorraine	06-12939
Danysz	Magda	06-12942
Darling	Janice	06-12943
DePrimo	Marie	06-12945
Diaz	Amparo	06-12946
Edwards	Janet	06-12947
Edwards	Peggy	06-11337
Freeman	Sandra	06-12949
Gagliardi	Linda	06-12950
Gajentan	Joanne	06-12951
Goldston	Julie	06-12953
Green	Donna	06-12955
Green	Laurie	06-12956
Grego	Nancy	06-12958
Hargis	Johnelle	06-12959
Hart	Sally	06-12960
Hill	Mary	06-12961
Hippenhammer	Linda	06-12963
Hollis	Sharon	06-12965
Hutchinson	Patricia	06-12966

## APPENDIX 1

Johnson	Kymme	06-12967
Kaat	Mildred	06-12968
Kale	Joan	06-12969
Kilborn	Shary	06-12971
Knapp	Deborah	06-12972
Lackey	Carolyn	06-12973
Levitan	Colleen	06-12974
Lingo	Carol	06-12976
Masson	Florence	06-12977
Mazan	Cherie	06-12978
McNulty	Lisa	06-12981
McQueen	Judy	06-12982
Murphy	Deborah	06-12984
Muse	Linda	06-12985
Neff	Katrina	06-12987
Nunnink	Jan	06-12990
Peterson	Victoria	06-12992
Petrole	Linda	06-12993
Pierce	Sally	06-12994
Piper	LaVeta	06-12995
Potter	Janette	06-12997
Price	Susan	06-12998
Ratliff	Connie	06-12999
Rogers-Duffield	Linda	06-13004
Seegert	Mary	06-13006
Shyanne	Tawnia	06-13007
Simpson	Mona	06-13008
Slyman	Lynn	06-13009
Snyder	Shelly	06-13013
Stover	Denise	06-13014
Tennant	Ann	06-13015
Veo	Mariane	06-13016
Vergato	Linda	06-13017
West	Sandra	06-13021
Wright	Paulette	06-13023
Alexander	Anne	06-14583
Artress	Karen	06-14585
Babcock	Deborah	06-14586
Barnes	Susan	06-14590
Bartlett	DeMaris	06-14591
Bauer	Brenda	06-14592
Bell	Kathy	06-14593
Bell	Katie	06-14594
Bishop	Kimberly	06-14595
Bishop	Rayma	06-14596
Bohling	Donna	06-14597
Borges	Maria	06-14598
Bowman	Kimberly	06-14599
Boyd	Lucille	06-14600
Boyett	Melanie	06-14601
Bridges	Carolyn	06-14602
Burstedde	Hannelore	06-14608
Butland	Catherine	06-14609

## APPENDIX 1

Campbell	Sheila	06-14610
Campos Martins	Ana Maria	06-14611
Cline	Linda	06-14617
Collins	Rosalie	06-14618
Comalli	Sandra	06-14619
Conrad	Candace	06-14620
Crawford	Sheryl	06-14621
Dalton, M.D.	Inez	06-14622
Dearing	Kathi	06-14623
Diaz-Clark	Mayling	06-14624
Dixon	Jody	06-14625
Douglas	Cher	06-14626
Duarte	Lorie	06-14627
Duncan	Stacy	06-14628
Edwards	Deborah	06-14629
Ekart	Debra	06-14630
Erikson	Paula	06-14631
Fastai	Alba	06-14632
Fitzgerald	Margaret	06-14633
Flanery	Julie	06-14634
Fleming	Robbye	06-14635
Flores	Caroline	06-14636
Francklyn	Victoria	06-14637
Goetz	Kathryn	06-14642
Gray	Debbi	06-14644
Gregg	Barbara	06-14645
Grillmeier	Tina	06-14646
Hagstrand	Ann Marie	06-14647
Halivopoulos	Lisa	06-14648
Hall	Vickie	06-14649
Hanson	Denise	06-14650
Harris	Susan	06-14651
Haskell	Patricia	06-14652
Higgins	Denise	06-14654
Hofberg	Helen	06-14655
Horowitz	Suzanne	06-14656
Jensen	Rae	06-14658
Johnson	Lawanda	06-14659
Johnson	Linda	06-14660
Johnson	Tippi	06-14662
Jones	Debra	06-14663
Kaiser	Pamela	06-14664
Koch	Teri	06-14666
Kosik	Theresa	06-14667
Lang	Connie	06-14669
Larabee	Joann	06-14670
Lawrence	Melanie	06-14671
Leon	Lita	06-14673
Liakos	Constance	06-14674
Line	Tosca	06-14675
Litchfield	Karin	06-14676
Little	Carol	06-14677
Mardis	Linda	06-14679

## **APPENDIX 1**

Martinez	Karen	06-14680
Maslar	Christina	06-14681
Matevia	Stephanie	06-14682
Mayer	Marla	06-14684
McAfee	Pamela	06-14686
McAferty	Marna	06-14687
McCarty	Marisa	06-14689
McWhorter	Dianne	06-14690
Miller	Nancy	06-14691
Moore	Brenda	06-14692
Moore	Janis	06-14693
Mottier	Amy	06-14694
Murley	Linda	06-14696
Niedbalski	Suzanne	06-14697
Paonessa	Patricia	06-14699
Peacock	Linda	06-14700
Pepper	Melissa	06-14702
Pessl	Shirley	06-14703
Ramsey	Beverly	06-14706
Ray	Sandra	06-11502
Rivera	Christine	06-14710
Robinson	Kate	06-14711
Robison	Pamela	06-14712
Rux	Jolynn	06-14713
Salas	Olivia	06-14714
Sauve	Catherine	06-14715
Scott	Barbara	06-14716
Scott	Susan	06-14717
Seyler	Cynthia	06-14718
Shekell	Dianne	06-14719
Simpson-Griffin	Wilma	06-14721
Smith	Connie	06-14722
Smith	Mary	06-14723
Soltis	Linda	06-14724
Spadoni	Kathy	06-14725
Stallberg	Starr	06-14726
Stewart	Jennifer	06-14727
Strykert	Michele	06-14729
Studtmann	Kimberly	06-14730
Tapia	Nina	06-14732
Temple	Patricia	06-14733
Tiffin	Debra	06-14734
Tuttle	Karen	06-14735
Walling	Eddi	06-14737
Welsch	Ruth	06-14738
Wickliff	Marilyn	06-14739
Zak	Denise	06-14743
Zatrine	Angela	06-14745
Ackley	Dorothy	07-10003
Adler	Patricia	07-10005
Asbury	Laura	07-10006
Baer	June	07-10007
Barone	Sala	07-10008

## APPENDIX 1

Becker	Jill	07-10010
Bell	Dorothy	07-10011
Blanchard	Debora	07-10012
Blaser	Linda	07-10013
Bowen	Donna	07-10017
Brady	Margaret	07-10018
Brannen	Connie	07-10019
Carbone	Linda	07-10021
Casey	Kathleen	07-10022
Ciotti	Shirley	07-10023
Coffin	Jo Anne	07-10024
Collum	Denise	07-10025
Cronk	Lyndsey	07-10027
DiMaggio	Lois	07-10031
Driscoll	Joan	07-10032
Ewoldt	Debby	07-10033
Gammell	Lori	07-10034
Gibbs	Celia	07-10035
Gillespie	Joan	07-10036
Hamilton	Donna	07-10037
Hamilton	Mary	07-10038
Hedlund	Janet	07-10039
Houde	Helene	07-10042
Hritsko	Christine	07-10043
Iglesias	Aleida	07-10044
Liebowitz	Susan	07-10047
McBee	Cherie	07-10048
Moore	Kae	07-10050
Natale	Leonora	07-10051
Prather	Shirley	07-10058
Reece	Patsy	07-10059
Rockhold	Janice	07-10060
Schulz	Phyllis	07-10062
Smith	Sharon	07-10063
Tallant	Martha	07-10064
Terriere	Bonnie	07-10066
Trotta	Lorraine	07-10067
Wright	Ginger	07-10068
Yates	Mary Jane	07-10069
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
Crouse	Gail	07-11432
Cuffe	Adriene	07-11434
Devlin	Susan	07-11436
Halverson	Melody	07-11438
Hamilton	Sondra	07-11439
Harville	Karen	07-11440

## APPENDIX 1

Jones	Rebecca	07-11441
La Centra	Jacquetta	07-11443
Lambkin	Sara	07-11444
Legler	Eileen	07-11445
Lehn	Nancy	07-11446
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
Bastian	Nancy	07-13043
Battle	Kathleen	07-13044
Brooks	Kimberly	07-13045
Burghardt	Deborah	07-13046
Cancino	Debbie	07-13047
Ceraso	Rosemarie	07-13048
Cleveland	Barbara	07-13049
Cruz	Maria	07-13052
Daly	Melody	07-13053
Demers	Anne Marie	07-13054
Edwards	Kathy	07-13055
Fagan	Cynthia	07-13056
Harrell	Kathy	07-13058
Henderson	Emogene	07-13059
Howell	Kaye	07-13060
Latting	Mari	07-13062
McNeill	Glenna	07-13065
Minnix	Linda	07-13066
North	Evelyn	07-13067
Reinstatler	Sally	07-13069
Schaefer	Linda	07-13071
Schultz	Susan	07-13072
Severson	Nancy	07-13073
Sleight	Patricia	07-13074
Snider-Wilson	Sallie	07-13075
Swafford	Kelly	07-13076
Vaughn	Jeanne	07-13078
Velhum	Barbara	07-13079



## **APPENDIX 1**

Weaver	Rose	07-13081
West	Sandra	07-13082
Wilcox	Susan	07-13083
Avila	Kelley	07-14154
Aytes-Bowhall	Beverly	07-14155
Bonds	Carolyn	07-14156
Bugno	Connie	07-14158
Cameron	G	07-14159
Collins	Lisa	07-14160
Cox	Betty	07-14161
Cox	Laurel	07-14162
Hartsfield	Nina	07-14163
Heard	Wanda	07-14164
Hensley	Mary Lu	07-14165
Hurst	Carol	07-14166
Lewis	Deborah	07-14167
Loopesko	Deborah	07-14168
McGinn	Elaine	07-14169
Minerva	Marte	07-14170
Oldani-Towse	Lynn	07-14171
Palivoda	Alice	07-14173
Rhame	Susanne	07-14174
Sanders	Linda	07-14175
Sparks	Elwanda	07-14176
Srgo	Kaye	07-14177
White	Rosetta	07-14178
Whitehead	Shirley	07-14180
Wilson	Laura	07-14181
Clark	Vicki	07-14847

## **APPENDIX 2**

<b><u>Last Name</u></b>	<b><u>First Name</u></b>	<b><u>Case #</u></b>
Bono	Lisa	06-11535
Cooper	Linda	06-11471
Dailey	Judy	06-11443
Eldridge	Joan	06-11405
Hernandez	Rosalie	06-11372
Brown	Rosemary	06-11395
Howard	Monique	06-11493
Koch	Barbara	06-11441
Lane	Mary	06-11527
Lutgendorf	Marissa	06-11509
Scott	Cindy	06-11470
White	Claire	06-11463
Coleman	Leann	06-12940
Crawford	Cynthia	06-12941
Davis	Janice	06-12944
Olsen	Jan	06-12991
Charland	Valeri	06-12937
Register	Jeanette	06-13001
Anderson	Janet	06-14584
Bainton	Loretta	06-14587
Baldwin	Susan	06-14588
Britton	Laura	06-14604
Burns	Jan	06-14607
Carroll	Rachael	06-14613
Cheek	Jacquelyn	06-14614
Chriss	Kristie	06-14615
Christensen	Karen	06-14616
Gilliam	Josanne	06-14640
Goeders	Jonita	06-14641
Hetrick	Denise	06-14653
Jack	Janet	06-14657
Johnson	Shirley	06-14661
Kincaid	Linda	06-14665
Labry	Nancy	06-14668
LeGere	Janet	06-14672
Luckett	Charlotte	06-14678
Mathews	Linda	06-14683
Mayerhofer	Irene	06-14685
McAll	Mary	06-14688
Mueller	Alicia	06-14695
Paley	Brewster	06-14698
Pennington	Rebecca	06-14701
Petrovich	Lisa	06-14705
Remme	Pamela	06-14707
Reynolds	Kathleen	06-14708
Reynolds	Kimber	06-14709
Sweet	Janet	06-14731
Sandeman	Deborah	06-14915
Stiffler	Sophia	06-14728
Wilgren	Linda	06-14740

## **APPENDIX 2**

Wyngaard	Laurie	06-14742
Zampino	Angela	06-14744
Adlam	Theresa	07-10004
Bogart	Ilene	07-10014
Cook	Mozella	07-10026
Crump	Vanessa	07-10028
Dale	Laurel Doran	07-10029
Hess Walker	Cheryl	07-10040
Johnson	Margaret	07-10045
Lesnik	Patricia	07-10046
McClure	Pamela	07-10049
O'Donnell	Sunan	07-10052
Permenter	Janet	07-10054
Petty	Sheila	07-10055
Phillips	Kelli	07-10057
Rodrick	Linda	07-10061
Taylor	Cheryl	07-10065
Allington	Michelle	07-11422
Cuda	Norma	07-11433
Green	Susan	07-11437
Kleiber	Katherine	07-11442
Levesque	Janna	07-11447
Halper	Maria	07-13057
Jones	Holly	07-13061
Coates	Janis	07-13050
Copeland	Donna	07-13051
Leith	Renee	07-13063
Maher	Patricia	07-13064
Sager	Mary	07-13070
Toczko	Andra	07-13077
Verdugo	Terri	07-13080

### APPENDIX 3

<b>Last Name</b>	<b>First Name</b>	<b>Case #</b>
Dellinger	Elizabeth	07-11435
Ohmen	Jeffrey	07-13068