

# **EXHIBIT 4**

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

In Re:

DOW CORNING CORPORATION,

Civil Action No. 00-CV-00005-DT

(Settlement Facility Matters)

Reorganized Debtor.

The Honorable Denise Page Hood

**AFFIDAVIT OF PEGGY GERSTACKER IN SUPPORT OF DOW CORNING  
CORPORATION AND THE DEBTOR'S REPRESENTATIVES' RESPONSE TO  
MOTION OF CLAIMANTS' ADVISORY COMMITTEE  
FOR DECLARATORY RELIEF REGARDING RELEASES**

BEFORE ME, the undersigned authority, personally appeared Peggy Gerstacker, who, after being duly sworn, deposed by me stated as follows:

1. My name is Peggy Gerstacker. I am of sound mind, capable of making this affidavit, and personally acquainted with the facts stated in this affidavit.
2. I am currently employed at Dow Corning Corporation as a Corporate Site Manager. I was the Manager of Implant Issue Operations from approximately June 1992 through May 1995.
3. Implant Issue Operations was formed in response to the rising breast implant controversy. The Implant Issue Operations included several informational programs and other resources available to breast implant recipients, their physicians, regulatory agencies, and members of the public. The different groups organized under Implant Issue Operations were as follows: Implant Information Center; Removal Assistance Program; Customer Relations Department; Complaint Investigation/Medical Device Reporting; and Medical Device

Investigation Laboratory. Implant Issue Operations reported to me for the time listed above and I never reported to the Legal Department.

4. Paulette Williams was promoted to a supervisor in the Implant Information Center in August 1991 and worked in that capacity until September 1992. In September 1992, she began working in the Customer Relations Department as a Senior Customer Relations Specialist.

5. I have reviewed the CAC's Memorandum In Support Of Motion Of Claimants' Advisory Committee For Declaratory Relief That The "Receipt And Release" Document Solicited By The Dow Corning Legal Department From Unrepresented Claimants From 1992-1995 As Part Of The Removal Assistance Program (Or Represented As Part Of Such Program) Is Not A General Release. The CAC discusses an "Implant Hotline Training" transcript from March 1992. In March 1992, Paulette Williams, who led the training documented in the transcript, was the supervisor of the Implant Information Center. Ms. Williams did not work in the separate Customer Relations Department at that time.

6. My notes indicate that Paulette Williams left Customer Relations at or around the end of March 1992.

7. Attached hereto as Exhibit A is a true and correct copy of a chart detailing the organizational structure of Implant Issue Operations dated February 21, 1994, which is a record kept by Dow Corning Corporation in the regular course of business, and it was the regular course of business of Dow Corning Corporation for an employee or representative of Dow Corning Corporation, with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information to be included in that record; and the record was made at or near the time or reasonably soon thereafter.

8. Attached hereto as Exhibit B is a true and correct copy of a September 26, 1994 document containing the mission statement of the Complaint/MDR Team, which is a record kept by Dow Corning Corporation in the regular course of business, and it was the regular course of business of Dow Corning Corporation for an employee or representative of Dow Corning Corporation, with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information to be included in that record; and the record was made at or near the time or reasonably soon thereafter.

9. Attached hereto as Exhibit C is a true and correct copy of an August 12, 1991 document entitled "Dow Corning Update", which is a record kept by Dow Corning Corporation in the regular course of business, and it was the regular course of business of Dow Corning Corporation for an employee or representative of Dow Corning Corporation, with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information to be included in that record; and the record was made at or near the time or reasonably soon thereafter.

10. Attached hereto as Exhibit D is a true and correct copy of a September 22, 1992 document entitled "Dow Corning Update", which is a record kept by Dow Corning Corporation in the regular course of business, and it was the regular course of business of Dow Corning Corporation for an employee or representative of Dow Corning Corporation, with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information to be included in that record; and the record was made at or near the time or reasonably soon thereafter.

Peggy Gerstacker  
Peggy Gerstacker

SWORN TO AND SUBSCRIBED BEFORE ME on 5/18/06 by Gina M. Anderson

Gina M. Anderson  
[Notary's typed or printed Name]  
NOTARY PUBLIC FOR THE STATE OF MICHIGAN

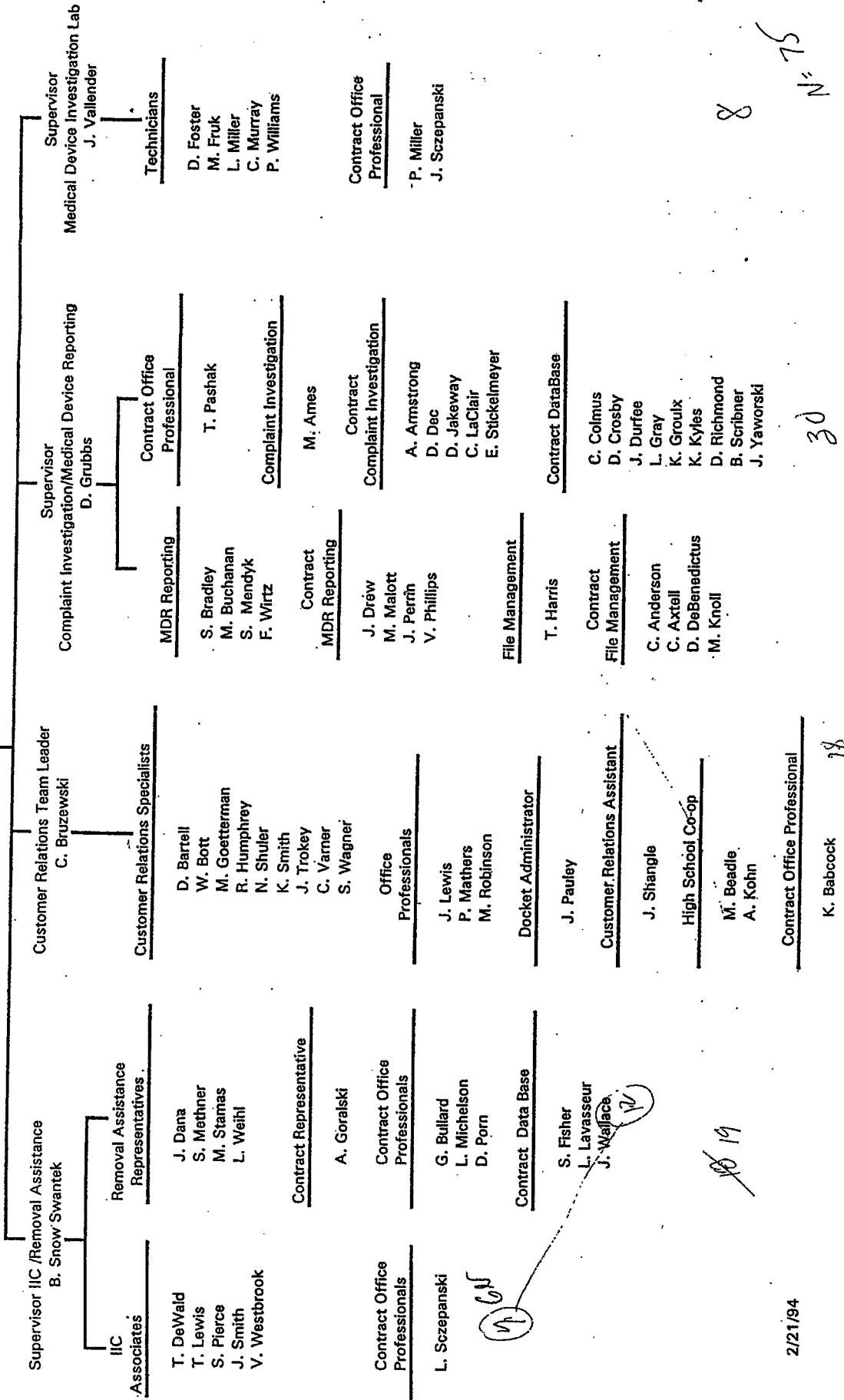
(Seal) My commission expires: August 7, 2008

[or Notary's Stamp]

**Gina M. Anderson**  
**Notary Public, Midland County, Michigan**  
**My Commission Expires August 07, 2008**  
Acting in Bay County

# **EXHIBIT A**

Implant Issue Operations Manager  
P. Gerstacker



2/21/94

17 65

10 19

8

N=75

30

# **EXHIBIT B**



## COMPLAINT/MDR TEAM MISSION

The mission of the Complaint and Medical Device Reporting Team is to actively report, investigate, document, and maintain complaints concerning the quality and safety of Dow Corning silicone medical devices and specific related materials manufactured and/or distributed in the United States; thereby complying with the Federal Food and Drug Administration's current Medical Device Reporting and Good Manufacturing Practice regulations. Through our diverse knowledge base and teamwork, we are committed to investigate, analyze, and provide information to our customers (individuals to whom we provide services, both internal and external) in a timely, responsive manner.

9/26/94

# **EXHIBIT C**

DOW CORNING

# UPDATE

U.S. - August 12, 1991

## Employees on the move

**Wendy (W.S.) Bott** has been promoted to Implant Information Associate, Medical Device Business Services, from Help Desk Specialist, Systems and Information Management.

**Dawn (D.M.) Bartell** has been named Implant Information Associate, Medical Device Business Services, from Raw Materials Buyer, Midland Area Purchasing.

**Gary (G.T.) Burns** has been promoted to Senior Research Specialist, Novel Materials Expertise Center, from Research Specialist in the same area.

**Susan (S.L.) Carlsen** has joined Dow Corning as Accountant/Analyst, U.S. Area Accounting.

**Stan (Stanton J.) Dent** has been promoted to Associate Project Chemist, Analytical Sciences, from Chemist in the same area.

**Sue (Susan L.) Pierce** has been promoted within the position of Secretary, Legal Department.

**Jeff (Jeffrey A.) Scherting** has been promoted to Information Engineer II, Information Architecture, Systems and Information Management, from Information Engineer in the same area.

**Mike (Michael W.) Skinner** has been promoted within the position of Chemist, Paper Coatings Development.

**Paulette (P.J.) Williams** has been promoted to Supervisor, Implant Information Center, Medical Device Business Services, from Clinical Administrative Assistant in the same area.

## Employees retiring

The following employees retired from Dow Corning in June 1991.

**Tom (Thomas P.) Gallagher**, Engineering Maintenance, Greensboro Plant, 19 years.

**Ron (Ronald L.) Johnson**, Vice President and General Manager, Basic Materials Business, 19 years.

**Gus (Gust.J.) Kookootsedes**, Electronics/Communications Technical Service and Development, 40 years.

**Mary (M.F.) Masden**, Elizabethtown Plant Materials Supply, 28 years.

**Shirley (S.C.) Masden**, Elizabethtown Plant Production, 27 years.

**Dale (D.L.) Moe**, Valve Repair Department, Midland Plant, 36 years.

**Norm (Walter N.) Schroeder**, Millwrights, Midland Plant, 17 years.

**Mary Anne (M.J.) Walker**, Elastomers and Engineering Industries Science and Technology Administration, 21 years.

U/U91-89

## U.S. AREA

# **EXHIBIT D**

DOW CORNING

# UPDATE

U.S. - September 22, 1992

## Employees on the move

**Loren (L.L.) Bair** has been named Computer Journeyman Technician, Manufacturing Systems, Carrollton Plant, from Computer Journeyman Technician, Engineering.

**Mark (M.D.) Davis** has been named Computer Technician, Manufacturing Systems, Carrollton Plant, from Computer Technician, Engineering.

**Steve (Steven W.) Graville** has been promoted to Senior Purchasing Agent, Accounting Department, Carrollton Plant, from Administrative Coordinator, Springfield Plant Administration.

**Nazul (N.M.) Haque** has been named Team Leader, 982 Roof Coating Team, Elizabethtown Plant, from Project Manager, Press Mixer.

**Leasa (L.C.) Miller** has joined Dow Corning as Device Investigation Technician, Device Investigation Department.

**Holly (H.N.) Morris** has been promoted within the position of Staff Accountant/Analyst, Tax Department.

**Maureen (M.M.) Pillepich** has been named Communications Graphic/Publications Coordinator, Audiovisual Communications Department, from Administrative Assistant, Internal Communications Department.

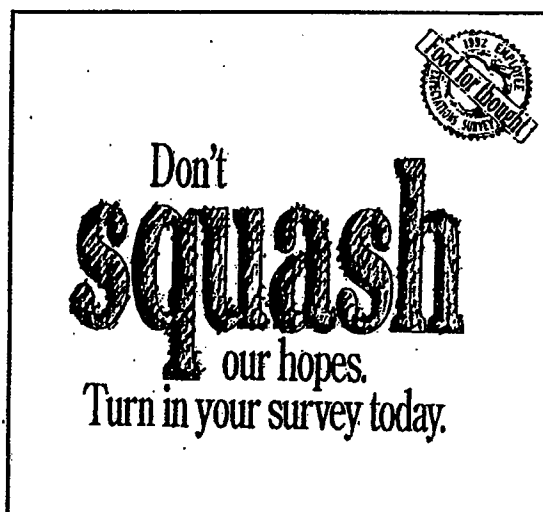
**Takahiro Sato** has joined Dow Corning as Technical Service and Development Representative, Rubber Development Group.

**Shigeru Torikai** has been named Technical Service and Development (TS&D) Engineer, Automotive TS&D, from Marketing Staff, Dow Corning Kabushiki Kaisha.

**Scott (S.A.) Trujillo** has been promoted to Science and Technology Accountant, U.S. Area Science and Technology Control, from Staff Accountant/Analyst in the same area.

**Paulette (P.J.) Williams** has been named Senior Customer Relations Specialist, Customer Relations Department, from Supervisor, Implant Information Center.

U/U92-123



## U.S. AREA

