

EXHIBIT 1

Declaration of Dianna Pendleton- Dominguez

DECLARATION OF DIANNA PENDLETON-DOMINGUEZ

I affirm and state under oath that the following statements are true and accurate to the best of my knowledge:

1. My name is Dianna Pendleton-Dominguez, and I am an attorney licensed to practice in Ohio (1987) and Texas (1997). I was appointed to serve on the Claimants' Advisory Committee in the action, *In re Dow Corning Corporation, Reorganized Debtor*, Case No. 00-CV-00005-DP (Settlement Facility Matters).
2. I certify that attached to my Declaration are Exhibits A – H which are true and accurate copies of correspondence kept and maintained in the ordinary course of business by me as a member of the Claimants' Advisory Committee. The Exhibits are:
 - A. E-Mail dated 8/16/2004 from a claimant (name and e-mail address redacted) to the Claimants' Advisory Committee website address
 - B. Joint letter dated 1/19/2005 from the Debtor's Representatives and Claimants' Advisory Committee to Elizabeth "Wendy" Trachte-Huber
 - C. E-Mail dated 2/3/2005 from a law firm (name and e-mail address redacted) to the Claimants' Advisory Committee website address
 - D. E-Mail dated 3/16/2005 from a law firm to D. Pendleton-Dominguez with attached letter from Lieff, Cabraser, Heimann & Bernstein LLP (redacted) to the Claims Administrator, SF-DCT dated 10/27/2004
 - E. Various E-Mails from claimants and law firms (name and e-mail addresses redacted) to D. Pendleton-Dominguez and/or the CAC
 - F. E-Mail dated 5/27/2006 from a claimant (name and e-mail address redacted) to the Claimants' Advisory Committee website address
 - G. Various E-Mails from claimants and law firms (name and e-mail addresses redacted) to D. Pendleton-Dominguez and/or the CAC
 - H. Memorandum from David Austern dated June 14, 2006 to D. Pendleton-Dominguez and E. Hornsby
3. Since June 2004, I have received hundreds of telephone calls, letters and e-mail inquiries from claimants and attorneys who represent claimants concerning the Explant Assistance Program. The callers all expressed frustration that they could not get the Explant Assistance Program package or information prior to mid-2005, they could not locate a surgeon willing to

participate in the Explant Assistance Program, and they could not afford to undergo explantation without the financial assistance offered by the Explant Assistance.

4. As a member of the CAC, I have personally spoken with dozens of doctors' offices to explain to them what the Explant Assistance Program is and to try to convince them to participate. I have not had any success. The representatives in the doctors' offices that I spoke to refused to participate because the doctor was not guaranteed to be paid for his or her fees and expenses, and because the EAP does not guarantee when payment, if it is ultimately approved, will be made.
5. Several months after the Effective Date on June 1, 2004, the CAC was made aware by claimants and attorneys that they had not received an Explant Assistance package and that their request for a package had been pending, in some instances, for over a year. E-mails from the SF-DCT's Claims Assistance Program in August 2004 stated that the Explant Assistance Program was not yet available to claimants.
6. The CAC raised our concerns about the status of the Explant Assistance Program with the then-Claims Administrator, W. Trachte-Huber, on numerous calls and in correspondence through 2004 and the first half of 2005.
7. In November 2004, the parties sent a letter to W. Trachte-Huber stating that the SF-DCT should separate Explant Assistance Program requests for a separate queue for processing and that these claims should not be in the same queue for explant reimbursement claims. This was done because explant reimbursement claims had a significant backlog, and the parties did not want EAP requests to be held up. The parties also stated that the SF-DCT should prioritize Proof of Manufacturer reviews for these claimants so that their EAP request could be handled immediately.
8. The CAC continued to receive numerous complaints well into 2005 that the Explant Assistance Program was simply not available to them, and that requests for forms and materials were still languishing for 4, 5 and even 6 months or longer. The parties wrote a joint letter to the Claims Administrator on 1/19/2005 and, in paragraph 11 of that letter, asked her to confirm that the changes the parties had requested in November 2004 had been implemented.
9. David Austern was appointed as the successor Claims Administrator effective May 23, 2005. Immediately following his appointment, the CAC brought to his attention the serious, significant problems with the Explant Assistance Program.
10. In July 2005, I requested the SF-DCT to provide to me with the names and contact information for doctors who had removed implants for claimants and

had been compensated through the Explant Assistance Program. This list was furnished to me on July 20, 2005 but the cover note stated that the physicians on the list had not yet been paid so they could not confirm whether the doctor would participate in the EAP. As a result, this list was not useful. In November 2005, the SF-DCT supplied a new list of doctors who had been paid through the Explant Assistance Program. Sybil Goldrich and I have responded to inquiries for explant assistance and shared names of the doctors on this list; however, the list has less than 50 doctors nationally and does not cover significant geographical areas of the U.S. where there are no doctors willing to participate.

11. In February 2006, the calls to the CAC concerning Explant Assistance became so overwhelming that we could not adequately respond to all of them. David Austern agreed that CAP would now accept the calls and would provide callers with names of doctors from their list. He reported in an e-mail to myself and Ms. Goldrich that calls from claimants requesting EAP assistance soon overwhelmed the SF-DCT staff person assigned to deal with this task as well. See Exhibit G to this Declaration, E-Mail dated February 16, 2006 to D. Pendleton-Dominguez and Sybil Niden Goldrich.
12. Since claim forms were mailed in February 2003, I have received many inquiries from claimants and attorneys about locating their medical records that may be in Dow Corning's possession. At claimant and attorney meetings held in 2003, 2004 and 2005, the Claims Administrator told claimants and callers that they should not contact the SF-DCT for their medical records because the parties were negotiating a process to review and locate unredacted medical records in Dow Corning's possession. The CAC reported the Claims Administrator's statements in our monthly newsletter.
13. The CAC received a CD containing the unredacted medical records obtained from the review via overnight mail, received on June 15, 2006. See Exhibit H attached to this Declaration.


Dianna Pendleton-Dominguez

Date: June 28, 2006

EXHIBIT 1A

**8/16/2004 E-mail from claimant
(name redacted) to CAC**

Subj: **Fw: RE: PLEASE HELP! RUPTURES**
Date: 8/16/2004 1:16:50 AM Eastern Daylight Time
From: [REDACTED]
To: info@tortcomm.org

----- Forwarded Message -----

The Explant Assistance Program will be available within the next few weeks. Please provide your name, SID NO or Social Security Number so that we may look at your record to provide more information.

Settlement Facility - Dow Corning Trust

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]
Sent: Tuesday, June 15, 2004 12:32 PM
To: info@tortcomm.org
Subject: PLEASE HELP! RUPTURES

Hello. I was wondering if you could help me. I have Dow Corning Silicone Implants since 1979 and have been ruptured in both for 2 years. I am having a very hard time finding an Explant Surgeon. The Plastic Surgeons will do my Surgery but don't want to wait for their money. I am in the Class Action for Dow Corning but they say I need the surgery before they can issue money. I sent in all my forms and was accepted. I am currently leaking Silicone into my armpits. I am on Disability and my funds are limited. No Doctor will see me and I have exhausted all my resources. Frankly, I am about to give up because I am so scared of what is happening to my body. Please, Please, can you give me some advice. That You and God Bless!

[REDACTED]

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Surf the Web up to FIVE TIMES FASTER!
Only \$14.95/ month - visit www.juno.com to sign up today!

EXHIBIT 1B

**1/19/2005 joint letter from
Debtor's Representatives and CAC to
W. Trachte-Huber**

DEBTOR'S REPRESENTATIVES AND CLAIMANTS' ADVISORY COMMITTEE

Via E-Mail

January 19, 2005

Elizabeth "Wendy" Trachte-Huber
Claims Administrator
Settlement Facility – Dow Corning Trust
Houston, TX 77002

Dear Wendy:

Listed below are responses to questions that you posed to the Claimants' Advisory Committee and Debtor's Representatives ("the parties") and/or other Plan interpretation questions that have been presented to the parties:

1. BB3 Proof Issues. You wrote, "We are reviewing claims with BB3 implants—we note in some cases the claims are categorized as Unacceptable- No Protocol. These implants are going to the Plaintiffs Liaison Counsel offices for transmission to the BB3 co-defendants if processed in MDL-926. Our questions: (i) How should we code these implants? If unacceptable=no proof of BB3 implant then the MMR will not be applied; and (ii.) What should we do with BB3 implants on first impression if they are 'no protocol?' Send them to PLC?"

Response: As noted in our prior weekly conference calls, if the proof of the BB3 implant does not fit within the Plan product identification protocols, then these implants should be coded as unacceptable. There is no obligation or process set up to send these implant reviews to either the BB3 defendants or to the PLC.

2. Re-examination clarification. You wrote, "Under the Plan 5.04 (b) the Claims Administrator has the authority to require the examination of a Claimant to assure acceptable levels of reliability and quality control. If a physician is deemed unreliable by the MDL-926, and the SF-DCT Claims Administrator (working with the Quality Assurance Committee) deems the physician unreliable, will the SF-DCT pay all the expenses of re-examination? Does the Claims Administrator have the authority to require the examination of one law firm's submissions? In using 5.04(b) may the Claims Administrator ask the law firm/ claimant to pay for medical re-examination if they knew the MDL-926 required re-examination? What if

Elizabeth Wendy Trachte-Huber
Claims Administrator
January 19, 2005
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the submissions the claimant is relying upon were from 1994, when there were NO MD's on the "list"? Will the SF-DCT be required to pay for all the re-examinations of the MDL-926 "unreliable" physicians? Does the Claims Administrator have the authority to use settlement dollars to pay for the examinations of claimants absent the filing of a disease claim (a pre-authorized re-examination)?"

Response: The Quality Assurance Committee will work with the Claims Administrator to establish guidelines regarding re-examinations. To the extent the questions involve issues currently pending before Judge Hood, we cannot comment further.

3. QMD for Class 6.2. You wrote, "Per Schedule II Annex A (pg. A-88), please specify: (i). the categories, degrees, or certification of doctors that will qualify as Qualified Medical Doctors in Class 6.2 countries."

Response: The parties are currently working on this. We are aware that disease claims have been filed by Korean claimants. Please provide the following information: 1) whether any of the Korean claimants have acceptable product ID and are presently ready to have their disease claim processed; 2) whether any other claimants in Class 6.2 have documented acceptable product ID and filed disease claims and, if so, in what countries are these claimants located.

4. Discretionary Review. You wrote, "Please clarify PSS- ACTD discretionary review – Annex A-96 See #2 for PM/DM re. ...'except that an individual will not be compensated in this category if her symptomology more closely resembles an Atypical Connective Tissue Disease.' (and all other diseases/ conditions) EXCEPT PSS #2 does not include the exception language—was it your intent to exclude PSS from discretionary review?"

Response: Can you provide us with more information about the facts for this request.

5. "Changed Disease". You wrote, "Plan Interpretation for the "Changed Disease"-one year to cure original deficiencies - barred after one year-no discretionary review e.g. if ACTD not cured in one year-see protocols agreed for details. Need Court Order for that too."

Response: An Agreed Order of the parties will be forthcoming on at least 2 of the 3 issues on the chart that you provided. The parties will respond in one week whether they need to invoke the procedures for handling disputes of Plan interpretations on the remaining issue.

Elizabeth Wendy Trachte-Huber
Claims Administrator
January 19, 2005
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6. Information posted on web (joint statements).

Response: An agreed summary of claims data for release to the public (media) and posting on websites will be forthcoming once we receive the revised format and information for the monthly report. The parties will send the summary to the Court for review and approval before release and posting on the website. We recommend that the data in the summary be updated monthly.

7. Protocols for Processing Opt-Out Elections.

Response: We have responded to this question already and assume that this question has been mooted.

8. Late NOI and Late POC Letters.

Response: The parties hereby submit agreed letters that should be sent to late NOI and Late POC filers shortly. We believe that these letters should be provided to the Court prior to sending them to claimants.

9. SF-DCT Interactive Website.

Response: The parties will work with Lucy Malone to test the interactive website and will provide comments thereafter.

10. NOI Survey Data and Questions: You have asked a number of questions about the NOI survey data. The unmatched claims in Classes 5, 6.1 and 6.2 should be reviewed based on the answers to the survey, the documentation they supplied either in the survey response or in prior submissions, and whatever information may exist in their file (if such a file exists). The agreement that the parties reached does not require that the SF-DCT perform a comprehensive review (or enter the data into SAM) similar to the way claims are processed; instead, it was contemplated that the SF-DCT would visually review the underlying records to confirm whether the claimant had acceptable proof of at least one eligible implant, whether operative and/or pathology reports documented an eligible explanation and/or rupture, and whether sufficient credible documentation was provided to document the disease at the claimed disability/severity level. We would also like information on whether any of the deficiencies are easily curable such that the claim could be approved.

Since there are approximately 1,500 claims, we believe that for the POM, Rupture and Explant, 2 non-nurse reviewers should be able to complete

Elizabeth Wendy Trachte-Huber
Claims Administrator
January 19, 2005
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this project within 4 weeks maximum, and one nurse reviewer should be able to complete the disease claims within that same time frame. We do not believe that the project will require more personnel or time than this, and therefore, it should not impact claims processing for other eligible claims. Before review begins, the parties wish to speak to the reviewers about the task. We may also have follow-up questions and requests following transmission of the data.

- 11. Please confirm that claimants who seek to participate in the Explant Assistance Program and/or who wish to be paid as an MDL "pass through" are in separate processing queues? Specifically, claimants who seek to participate in the EAP must have their product ID review prioritized and, if it is acceptable, must be provided documents to participate in the EAP within 30 days of submission of their claim.
- 12. Error Correction and Appeals Letter – the CAC raised an issue with regard to this letter on November 9th. We do not recall a response from the Claims Administrator. Please respond.
- 13. Additional Q&A's. Attached are additional Q&A's agreed to by the parties. We request that you confirm whether the responses to Questions 4, 7, 11, 18, 22 and 23 are accurately stated.
- 14. MDL Liens – The parties request additional information about what the MDL Claims Office provided to the Settlement Facility concerning the liens it was asserting and what, if anything, was done with these liens upon receipt. We understand that there may have been a significant error rate in what the MDL provided.

Sincerely,

Debtor's Representatives

D Greenspan / by APD w/permission

Deborah E. Greenspan
Dickstein, Shapiro, Morin &
Oshinsky
2101 L Street NW
Washington DC 20037

Claimants' Advisory Committee

D Pendleton-Dominguez

Dianna Pendleton-Dominguez
Blizzard, McCarthy & Nabers LLP
440 Louisiana Street
Suite 1710
Houston, TX 77002

Enclosures: Late NOI Letter
Late POC Letter

EXHIBIT 1C

**2/3/2005 E-mail from law firm
(name redacted) to CAC**

Subj: **Explant Assistance Program**
Date: 2/3/2005 4:53:00 P.M. Eastern Standard Time
From: [REDACTED]
To: info@tortcomm.org

I recently called the SFDCT to get the status of several request for information for the Explant Assistance Program that we had submitted for some of our clients. Evidently, there is no separate handling of requests for information on the program and the forms are put in line to be reviewed with ALL of the Explant claims.

Is there anything that can be done about changing this procedure and expedit these requests for forms? Several of these women have suspected ruptures and would like to have their implants removed as soon as possible. Especially important is the 6/1/2006 Rupture Deadline. From what I can glean from SFDCT website, they are still reviewing the claims filed in 2003. We did not submit most of these until the middle of 2004, of course, we were not aware that they would not be immediately processed. If these requests are processed only as they are reviewed with the Explant Claims, it could be months before these women even receive the forms to take to the doctor to start the process.

EXHIBIT 1D

**3/16/2005 E-mail from law firm
(name redacted) to CAC with
attached 10/27/2004 letter from
Lieff, Cabraser, Heimann &
Bernstein, LLP to SFDCT Claims
Administrator**

Subj: **Fw: SFDCT numbers**
Date: 3/16/2005 7:03:45 P.M. Eastern Standard Time
From: [REDACTED]
To: DPendleton@blizzardlaw.com

Dear Dianna,

Per your request, I am forwarding on to you various items that I have received, as Chair of ATLA's Breast Implant Litigation Group, from BILG members and other attorneys concerned about ongoing process problems at SFDCT. I have a number of e-mails to send to you today and will continue to send these types of communications to you on an ongoing basis.

I've also attached to this e-mail a fax I received from LCHB documenting the EAP problems they have been facing.

Sincerely,

[REDACTED]

----- Original Message -----

From: "Bernstein, Mikaela" <mberstein@lchb.com>
To: [REDACTED]
Cc: "Foster, Heather A." <hfoster@lchb.com>; <lhenahan@lchb.com>
Sent: Tuesday, March 15, 2005 7:13 PM
Subject: SFDCT numbers

THIS EMAIL IS INTENDED TO BE CONFIDENTIAL AND PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE RETURN THE EMAIL AND DELETE ALL OF YOUR COPIES.

Dear Ms. [REDACTED]

Heather Foster asked me to send you the following information. Please let me know if you need anything else.

- Total checks received at LCHB: 4 Disease, 15 Explant, 7 Rupture, 11 Expedited Release.

~~Explant~~ Assistance Program numbers: 14 Submitted (13 Submitted in 2004, 1 in 2005), 2 Packets Received, 12 Pending

Here are our preliminary counts ("preliminary" because this is based on about 75% of our Class 5 clients):

- Tentative POM numbers: 249 Submitted, 218 Accepted, 17 Rejected, 14 Pending
- Tentative Rupture Claim numbers: 78 Submitted, 5 Checks Received, 1 Deficiency, 72 Pending
- Tentative Explant Claim numbers: 98 Submitted, 12 Checks Received, 86 Pending

I can update you on the specifics of these numbers (dates, etc.) tomorrow morning if you would like.

Best,

Mikaela Bernstein
Paralegal
Lief, Cabraser, Heimann & Bernstein, LLP

275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
Phone: (415) 956-1000 x. 3392
Fax: (415) 956-1008
Web: www.lchb.com

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LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

HEATHER A. FOSTER
PARTNER

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mail@lchb.com
www.lieffcabraser.com

NEW YORK
WASHINGTON, D.
NASHVILLE

October 27, 2004

VIA FEDERAL EXPRESS

SFDCT
att: Claims Administrator
3100 Main Street, Suite 700
Houston, Texas 77002

Re: Explant-Explant Assistance Program ("EAP") Packets for Claimants

Re: [REDACTED] SID # [REDACTED]

Dear Claims Administrator:

Lieff, Cabraser, Heimann and Bernstein, LLP has submitted to the SFDCT via Federal Express ~~twelve (12) Explant-EAP claim forms beginning in or around April of 2004~~ (See Table of Claimants for whom LCHB has submitted Explant-EAP claim forms, attached hereto as Exhibit A). Of these, ~~we have received only two (2) EAP packets from the SFDCT to forward to our claimants.~~

I am writing to you today for two reasons: firstly, to express our frustration with the program that the SFDCT has implemented. As you must be aware, these are clients who are very anxious to have their doctors perform explantation surgery. They have been informed that they must undergo replacement surgery by their doctors, due to confirmed or possible ruptures of their breast implants. This diagnosis obviously carries with it both physical discomfort and emotional strain. They may be exposed to potentially hazardous materials in the case of a rupture; they are suffering from physical pain and discomfort; and they are suffering from the emotional strain and uncertainty in relation to the financial aspect of their situation. It is simply unconscionable to continue to make these women wait any longer than absolutely necessary. This process must be expedited.

Secondly, we are writing to formally request an expedited review for LCHB client, [REDACTED] SID # [REDACTED]. Please send her EAP packet to LCHB immediately upon review of her application. Ms. [REDACTED] has a November 18, 2004 explantation surgery date scheduled; for personal and financial reasons it would present an extreme hardship to Ms. [REDACTED] if she had to cancel this date.

LCHB submitted an EAP claim form on June 18, 2004 (See Ms. [REDACTED]'s Explant-EAP Claim Form, attached hereto as Exhibit B). To date, we have received no reply. On or around October 12, 2004, we called the SFDCT to check on the status of this application, we were informed that, although

03/16/2005 09:54 FAX 415 856 1008

LCHB-SF

003

SFDCT
October 27, 2004
Page 2

Ms. [redacted]'s EAP claim form had been received by the SFDCT. ~~There was no way of knowing when her EAP packet would be sent out.~~ Furthermore, the SFDCT informed LCHB that the EAP process also involves having the surgeon approved by the SFDCT once the SFDCT receives the completed form from the surgeon. Ms. [redacted] has documented ruptures of both of her Dow Corning breast implants (See Ms. [redacted]'s Mammogram Report, dated June 15, 2004, attached hereto as Exhibit C; see also Ms. [redacted]'s MRI report, dated June 29, 2004, attached hereto as Exhibit D). Upon the advice of her surgeon, Dr. [redacted], and in concern for her health, Ms. [redacted] has scheduled her explantation surgery for November 18, 2004 at [redacted] Hospital in [redacted] California. Ms. [redacted] spoke to Dr. [redacted] regarding the EAP and he indicated to her that he is willing to participate in the program in order to expedite Ms. [redacted]'s surgery. With her surgery date rapidly approaching, Ms. [redacted] is rightfully concerned that she will not have enough time to receive the EAP packet and complete the EAP process. Ms. [redacted] is equally concerned that she will have to pay for her explant surgery herself, which would be a financial hardship for her.

LCHB therefore requests that Ms. [redacted]'s EAP packet be sent to LCHB immediately, and that, once she and her doctor submit the appropriate forms to the SFDCT, they receive priority review so that Ms. [redacted] can proceed with her scheduled surgery on November 18th, 2004.

LCHB also respectfully requests that Explant-EAP Packets for the remaining claimants on the Table of Claimants (previously referenced as Exhibit A) be sent to us as soon as practicable. I look forward to your response, and thank you for your time and assistance.

Very truly yours,
Heather Foster
Heather Foster

HAF:lh
Enclosures

415667.1

03/16/2005 09:55 FAX 415 956 1008

LCHB-SF

004

EXHIBIT A

TABLE OF CLAIMANTS FOR WHOM EAP CLAIM FORMS WERE SUBMITTED TO SFDCT BUT FOR WHOM NO PACKETS HAVE BEEN RECEIVED

LAST NAME	FIRST NAME	SID NO.	DATE EAP WAS SUBMITTED
[REDACTED]	[REDACTED]	[REDACTED]	4/14/04 REC'D on 6/28/04
[REDACTED]	[REDACTED]	[REDACTED]	4/14/04 REC'D on 6/28/04
[REDACTED]	[REDACTED]	[REDACTED]	4/28/2004
[REDACTED]	[REDACTED]	[REDACTED]	5/21/04
[REDACTED]	[REDACTED]	[REDACTED]	5/7/04
[REDACTED]	[REDACTED]	[REDACTED]	6/18/04
[REDACTED]	[REDACTED]	[REDACTED]	6/2/04
[REDACTED]	[REDACTED]	[REDACTED]	7/16/04
[REDACTED]	[REDACTED]	[REDACTED]	7/19/2004
[REDACTED]	[REDACTED]	[REDACTED]	8/13/04
[REDACTED]	[REDACTED]	[REDACTED]	8/18/2004
[REDACTED]	[REDACTED]	[REDACTED]	9/16/04

EXHIBIT 1E

Various E-mails to the CAC

Subj: **RE: Explant Assistance Program**
Date: 3/14/2005 3:02:31 P.M. Eastern Standard Time
From: [REDACTED]
To: DPEND440@aol.com

Dianna, thank you for your follow-up on my requests. Unfortunately, on the Assistance Program form request the SFDCT's response was on all 7 requests "they are in line to be reviewed". This was a little unnerving since these were all people, except for one, who had **already received** an "acceptable" review for their POM before the Request for the Explant Assistance forms were made.

The only person who had not received an acceptable, received an acceptable review within 2 months of the Request for the Assistance form was made. These women just need their name on the assistance forms so they can send these forms to their doctor to set up explant surgery. **We still have not received the forms for any of the 7 claimants and the request was originally sent in June of 2004.**

Of the POM reviews we had not received and requested the status (none of these were on the list of claimants requesting Explant Assistance forms) – we have received 3 of the 7 requests.

Response on others – 3 were in line to be reviewed (on 2 the POM forms were sent in June of 2004)

On the other request the response from the SFDCT was the claim had been forwarded to a supervisor and I should check back in two to three weeks. – I checked back in three weeks and was told the supervisor had not made a decision.

Of the 108 Explant Claims sent since 11/03 we have received 2 reviews and payments.

Of the 68 Rupture Claims sent since 12/03 we have received 1 review and payment.

Of the 122 Disease Claims sent since 6/04 we have received 2 reviews and payments.

The majority of these are on claimants with acceptable POM.

I hope other claimants are doing better than we are. Someone has to be receiving payments. We've been truly amazed and disappointed at the slowness of the SFDCT in processing the claims. A great deal of time is spent with clients trying to explain the processing of claims and the reason it is taking so long – we really can't explain it.

We appreciate your help in this matter and understand what a difficult position you are in. Thank you for your hard work and your support!

[REDACTED]

Subj: **Rupture and Explant deadlines**
Date: 3/8/2005 10:53:56 P.M. Eastern Standard Time
From: [REDACTED]
To: info@tortcomm.org

Our office is becoming very concerned about the looming rupture claim deadline.

We have requested Explant Assistance information for many of our clients and have not heard anything from the Settlement Facility. What happens if we do not receive the the information from the Facility in time for our clients to set up an appointment for explant surgery and discover at the time of explant that they are ruptured and the deadline for filing is past, or a deficiency is determined by the Facility and we do not have time to cure that deficiency before the deadline? Is there any recourse?

We have also not heard from any of the Explant and Rupture Claims we have submitted.

Very truly yours,

[REDACTED]
Legal Assistant

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Subj: **RE: Explant Assistance**
Date: 3/14/2005 3:03:24 P.M. Eastern Standard Time
From: [REDACTED]
To: DPEND440@aol.com

Gladly. We have requested 3 EAP packages to date and receiving nothing. Details are below.

Throughout 2004 a specific client asked continually about EAP, we would tell her program not set up or available yet, will advise when is.

10/4/04 we get CAC e-newsletter saying we can now request a package on this. One of our paralegals calls the SF and is told we must file the explant claim form to get one.

10/8/04 we file explant claim form with box 2B checked.

1/5/05 I email info@sfdct.com to ask why we have not received this package yet. They reply, "Her explant assistance request is in line to be reviewed. Please note that the claims are processed in the order of the claim form receipt date. This request was not received until on 10/08/04 (the claim packets were mailed in February 2003)."

1/7/05 I exchange emails with Ernie on this, frustrated & thinking if they treat them this way at the rate they are processing claims she won't even get explant assistance info before the deadline to file rupture claims. He tells me the issue was discussed at a meeting in Houston the day before and is now resolved. EAP requests now to be handled immediately & not put in the claim queue based on order received. Ernie advises to wait a few days then then refile the request.

1/14/05 filed 2nd request again via explant claim form.

3/4/05 I emailed Ernie again b/c still nothing - said he had just learned EAP still not functioning.

Have filed requests for two other clients - one 1/14/05, the other 1/21/05. Have not received anything in response. The website shows them all as explant claims received.

Thanks Dianna. Let me know if there is anything else I can do.

Subj: **Fw: Assistance Program**
Date: 3/16/2005 7:03:54 P.M. Eastern Standard Time
From: [REDACTED]
To: DPendleton@blizzardlaw.com

----- Original Message -----

From: [REDACTED]
To: [REDACTED]
Sent: Monday, March 14, 2005 3:38 PM
Subject: FW: Assistance Program

[REDACTED]
I sent this information to Dianna today but did not send her a copy of the e-mails with the SFDCT. Hope this helps. The request for Explant Assistance forms was originally requested in June, 2004 and we still have not received the Explant Assistance forms for 7 claimants with acceptable proof of manufacturer.

Thank you!
[REDACTED]

-----Original Message-----

From: Info [mailto:info@sfdct.com]
Sent: Monday, February 07, 2005 8:41 AM
To: [REDACTED]
Subject: RE: Assistance Program

Dear Ms. [REDACTED]:

Thank you for your inquiry.

Sid and name redacted

Her Request for Explant Assistance is in line to be reviewed.

Sid and name redacted

Her Request for Explant Assistance is in line to be reviewed.

Sid and name redacted

Her Request for Explant Assistance is in line to be reviewed.

Sid and name redacted

Her Request for Explant Assistance is in line to be reviewed.

Sid and name redacted

Her Request for Explant Assistance is in line to be reviewed.

Sid and name redacted

Her Request for Explant Assistance is in line to be reviewed.

Sid and name redacted

Her Request for Explant Assistance is in line to be reviewed.

Thank you for contacting the Claims Assistance Program.

Sincerely,
Settlement Facility – Dow Corning Trust
1-866-874-6099

-----Original Message-----

From: [Redacted]
Sent: Friday, February 04, 2005 4:14 PM
To: Info
Subject: RE: Assistance Program

Thank you for your reply. Below are the clients interested in receiving the paperwork for the assistance program. All of these women have received an acceptable review of their POM and their explant form requesting information was mailed on 6/29/04. Please let me know if you need further information. We appreciate your attention to this matter.

Sincerely,
[Redacted]
Legal Assistant

Client's Last Name		
Sid and name redacted		
Sid and name redacted		
Sid and name redacted		
Sid and name redacted		
Sid and name redacted		
Sid and name redacted		
Sid and name redacted		

-----Original Message-----

From: Info [mailto:info@sfct.com]
Sent: Monday, January 31, 2005 11:50 AM
To: [Redacted]
Subject: RE: Assistance Program

Dear Ms. [Redacted]

Thank you for your inquiry. All the Explant claim forms or Explant Assistance Program (EAP) requests are reviewed in the order of receipt. Please note that in order to qualify for the EAP, the claimant has to have an acceptable Proof of Manufacturer first.

Please provide the SID# for your clients you wish to know the status on.

If you need further assistance or information, please call (toll-free) 866-874-6099 (office hours Mon thru Fri 6 am – 6 pm CT).

Sincerely,
Claims Assistance Program
Info@sfdct.com

-----Original Message-----

From: [REDACTED]

Sent: Thursday, January 13, 2005 12:05 PM

To: info@tortcomm.org

Subject: Assistance Program

We have requested forms over 6 months ago for women interested in the explant assistance program and still have not received the forms with the claimant's name on it. Is there a reason this is so slow? We have clients with a doctor who is willing to wait on payment, if they have the paperwork from the SFDCT. However, we can't even get the paperwork started.

I'd appreciate any help you can give me to let me know what I need to do to get this paperwork.

Thanks!

[REDACTED]
Legal Assistant

Subj: Fw:
Date: 3/16/2005 7:06:27 P.M. Eastern Standard Time
From: [REDACTED]
To: DPendleton@blizzardlaw.com

----- Original Message -----

From: [REDACTED]
To: [REDACTED]
Sent: Tuesday, March 15, 2005 2:06 PM

I have scanned in 37 Explant assistance claims that were filed last year; out of the 41 we filed, we have only received 4 explant assistance packets. Some have been waiting over a year now.

I have also scanned in a letter dated January 19, 2005 to Wendy Trachte-Huber regarding an incorrect classification of what should be a Class 5 claimant.

Call me or Beth if you have any questions.

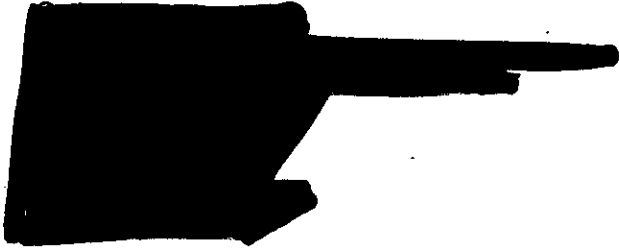


EXHIBIT 1F

**5/27/2006 E-mail (name redacted) to
the CAC**

Subj: **can't find a dr. willing to wait for payment**
Date: 5/27/2006 1:08:47 PM Eastern Daylight Time
From: [REDACTED]
To: info@tortcomm.org

To Whom This May Concern:

I have written to David Austern and now I am writing to you. I am in a panic, as I have gone through practically every plastic surgeon in my area and no one will cooperate with the terms of the SFDCT regarding waiting for payment after the explantation is done. I am unable to travel to any outside areas, as I have neither the money, nor a vehicle to take me there. I am fundamentally impoverished.

My health situation is getting worse every day that these leaking implants are in my body. I am barely functional, due to the pain in my joints and the extreme edema in my legs. I am sick and I need help. I do not have any medical coverage. I have waited for many years for this case to finally be settled, and now, that I have finally held out for the day, I am stopped by the (mercenary) doctors who will not do the surgery, without being paid up front.

My attornies, Weitz & Luxemburg, have tried to get the Claims Administrator, David Austern to allow extra time for the claimants who can't find a doctor to participate in the Plan. What I am asking, begging, is that perhaps you pay the doctors up front, not after the surgery. Please! I implore you. I need explanation and I don't have any money. I am sure I am not the only one in this position. W & L tell me that there is a growing list of claimants who don't have the money to lay out, either.

I am pleading with you to at least consider the possibility of paying the doctors, first. I guarantee you will have more of them wanting to participate. I have so far called 12 plastic surgeons, all of whom refuse to wait for payment. One was going to consider it and when he read the protocal package terms, he said "too complicated; can't take all the paper work." He was the only one who even agreed to receive the package from W & L., then told me flatly, no. The others emphatically refused.

. I have been a part of this class action suit from its inception. I need the settlement to happen. It would change my life. I literally am going under, due to not having money and being too sick to work on a regular basis.

I am at a total loss, completely at the end of my rope, despondent. My hopes of having these implants removed are shattered. Please help me. I appreciate your attention to this letter and will be grateful for anything you can do for me

Most Sincerely,

[REDACTED]

EXHIBIT 1G

Various E-mails to the CAC

Subj: **Re: EAP**
Date: 2/16/2006 10:27:59 PM Eastern Standard Time
From: Sybil G58
To: DPEND440, daustern@claimsres.com

I've been talking to lots of women re: EAP and the frustration level is high – not with the program but with the fact that there are not many doctors who will do anything without money up front

What Maurissa is hearing is fear – fear that they will miss the deadline and fear that they will never be able to get their implants out. And fear is what makes claimants testy.

I think I've spoken to about 50 women this week and I share their frustration about the lack of medical cooperation they are confronting. They are made to feel like charity patients and the last thing a plastic surgeon does is charity work.

Of course, I'll do anything I can to help. But first thing is that I think we should start to consider an extension of the EAP deadline because of the problems we're having and because the program was at least a year late in starting.

I'm in NY and am available via cell and email. Cheryl Wade of the Midland Michigan newspaper emailed me today. I will refer her to you, David. I think she wants to talk about EAP.

Sybil

-----Original Message-----

From: DPEND440
To: daustern@claimsres.com; Sybil G58
Sent: Thu, 16 Feb 2006 8:29:37 PM Eastern Standard Time
Subject: Re: EAP

I think Sybil and I can relate to the problems you describe and we are, of course, willing to do whatever you need to help. I know my voicemail was also been clogged over the past 1.5 years from women with EAP requests. And I think the problem will only continue to grow as the 6/1 deadline approaches.

By the way, I have referred only 1 claimant to Mourissa. I know women hate it when they call and they are referred to yet another person, so I've been trying to answer their questions. I assume Sybil has as well. I'm not sure how Mourissa's name got out there. Maybe from the claimant meetings?

Let us know what we can do to help.

Aloha,
Dianna

In a message dated 2/16/2006 6:46:22 PM Eastern Standard Time, daustern@claimsres.com writes:

As an alert, Maurisa Louis is running into a problem which means that I have a problem. The problem is based in part on your good work -- and I

Saturday, June 24, 2006 America Online: DPEND440

mean that sincerely – because a lot of EAP candidates are calling Maurisa directly – I think I suggested this to you – about getting EAP assistance.

First, some of these women have unacceptable POM (and have been told that already) and perhaps understandably they get very angry with Maurisa when she informs them (again) of this. Maurisa is good at what she does because she is patient with both claimants and doctors and will not just brush off a claimant who simply doesn't qualify for EAP, at least not with the POM she has previously submitted. Second, some callers say that they have been told that the doctors have agreed to perform the surgery. This, of course, is untrue. I know you didn't say this to the claimants with whom you have spoken, but the claimants are hearing only good news. When Maurisa explains that there are no guarantees, some claimants get very angry and argue with her. Third, please understand that in addition to the calls described herein, Maurisa is frequently on the phone with doctors and claimants (who are not making initial calls) about scheduling, payment, describing our procedures to new doctors, etc. These calls are frequently very time consuming.

Thus, at 5:00 p.m. yesterday, Maurisa's Voice Mail had thirty messages, which is capacity, which means some people were told they couldn't leave a message. Talk about getting angry, imagine that. We are going to have to assign CAP to pre-screen at least some of Maurisa's calls. Ann is working on a protocol, but we will have to do something. We may assign someone to assist Maurisa, but the learning curve will be at least a week, and while I have a lot of nurses, I don't have a lot of nurses who are effective when speaking to claimants and doctors.

I will keep you informed.

David T. Austern
Claims Resolution Management Corp. (CRMC)
3110 Fairview Park Dr., Ste. 200
Falls Church, VA 22042
T - (703) 205-0835
F - (703) 205-6249

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Saturday, June 24, 2006 America Online: DPEND440

Subj: **Doctors participating in EAP**
Date: 10/27/2005 12:47:58 PM Eastern Daylight Time
From: [REDACTED]
To: info@tortcomm.org

Do you yet have any doctors willing to participate in the Dow Settlement's Explant Assistance Program in the general San Francisco Bay Area (encompassing San Francisco, San Jose, Burlingame, and even a bit more south like Monterey and Santa Cruz, and east into the East Bay, including Berkeley, Walnut Creek, etc.)?

Also, we have a client in Santa Cruz who found a woman doctor she really likes but who wants payment up front for explanting client's Dows. We informed client that the SFDCT will have someone available to talk to doctors about the EAP. Is there a direct way for doctors to contact the EAP person at SFDCT, without having to go through too many hoops and maybe getting discouraged?

Last question: do you have a doctor willing to participate in EAP in the Bellevue/Seattle, WA area for another one of our clients?

And so as not to bother you each time we may need a doctor referral, will the SFDCT make those doctors' names available to the law firms or just to CAC?

Thanks for all your help.

[REDACTED]
Paralegal
[REDACTED]

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To reply to our email administrator directly, send an email to postmaster@lchb.com

Subj: **Doctors and EAP**
Date: 10/28/2005 12:42:55 PM Eastern Daylight Time
From: [REDACTED]
To: info@tortcomm.org

I called the SFDCT this morning and spoke to Vanessa, one of the SFDCT staff members. I asked her if she could share the name of doctors in the San Francisco Bay Area and the Seattle/Bellevue, WA area that have performed explant surgeries through the EAP so I could give the names to 2 of our clients. Vanessa said that she knew nothing about sharing the names of any doctors. When I told her that it was our understanding that the new Claims Administrator was making such a list available, she went to check and came back to me, again saying that the SFDCT does not give out any doctors' names.

Is the CAC the only way for us to get these doctors' names? And, as per my previous request of 10/27/05, if you have any doctors in the SF Bay Area and the Seattle, WA area, we would be very appreciative if you could provide their names and contact information so we can inform the two clients who are very anxious to have their possibly ruptured implants removed. Thank you.

I then asked Vanessa if there was a special SFDCT staff member that would be available to discuss the EAP program with a reticent surgeon, and she said that a staff member named Marissa does EAP work, but that Vanessa didn't know if she could provide me with Marissa's extension (unless she checked with her first, and it seemed that Marissa was either not in today or not answering her phone at the time I called). I then asked if there were going to be a separate line for doctors to call so they could discuss the EAP, and Vanessa said that there is no other line, so essential, a prospective doctor would have to call the regular SFDCT number in order to contact Marissa, which - considering how difficult it has been to get through to the SFDCT this week! - would certainly not help convince ANY doctor to participate in the EAP!

Just thought you might want to know this information.

[REDACTED]
Paralegal
[REDACTED]

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To reply to our email administrator directly, send an email to postmaster@lchb.com

Subj: **Explant Assistance Program**
Date: 3/3/2006 12:08:11 PM Eastern Standard Time
From: [REDACTED]
To: info@tortcomm.org

We have run into a serious problem with the Explant Assistance Program.

One of our clients applied to the program, went to Dr. [REDACTED], a physician in Ft. Worth, who explanted 1 person in November and 2 in December under this program, and has not received compensation for those explants. Consequently, he is refusing to take any more clients under this plan because of non-payment from the Settlement Facility. Our client is ruptured and because of this, may not make the rupture deadline. I spoke with the physician's office and they said they had spoken with the Settlement Facility and were told there were multiples in line before them and it was unsure when payment would be made. They indicated that the SF-DC had been poorly managed, money was misplaced and employees let go and therefore they do not trust the Facility to pay these expenses. Would you please call this to the attention of the new administrator and see if anything can be done?

Thanks,

[REDACTED]
Legal Assistant

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Subj: **Explant Assistance Program**
Date: 9/13/2005 12:14:15 PM Eastern Daylight Time
From: [REDACTED]
To: info@tortcomm.org

I am with an attorney's office in Dallas, Texas and we have several women who wish to participate in the Explant Assistance Program but are unable to locate a doctor willing to do the surgery. Any suggestions on finding a doctor in the Dallas area?

[REDACTED] Paralegal
[REDACTED]

Subj: **Explant Assistance**
Date: 7/19/2005
To: daustern@claimsres.com

David --

I continue to hear from a large number of women who express extreme frustration that they cannot find a plastic surgeon to remove their implants through the Explant Assistance Program. I noted in the most recent SFDCT monthly report that 69 women in Class 5 have been approved and paid in the EAP. Can the SFDCT compile a list of the doctors that removed the implants in these cases (since they obviously will do the explant surgery and agree to be paid in the EAP) and provide it to the CAC?



I look forward to hearing from you.

Dianna

Dianna Pendleton-Dominguez, Esq.
401 N. Main Street
St. Marys, OH 45885
Phone: 419-394-0717
Cell: 281-703-0998 or 419-953-7842
Fax: 419-394-1748
dpend440@aol.com

Subj: **Explant Assistance Program**
Date: 6/13/2006 3:33:37 PM Eastern Daylight Time
From: [REDACTED]
To: DPEND440@aol.com
CC: [REDACTED]

Ms. Pendlton-Dominquez:

Many of our clients have had an extremely difficult time finding a surgeon willing to participate in the Explant Assistance Program. (Only 4 of our clients were able to find surgeons agreeable to participate). Unfortunately, this leaves us with numerous women who are anxious to have removal of their Dow Corning implants without any recourse. Do you know if anything is being done to change the criteria of the explant assistance program? or would you have any suggestions as to how we may proceed?

Please visit us at [http://\[REDACTED\]](http://[REDACTED])

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All e-mail to [REDACTED] or any individuals at [REDACTED] should be followed up by hard copy including attachment(s), as specific file types may be blocked at any time without notice being provided to sender or recipient.

Subj: **HELP with explant claim**
Date: 5/17/2005 1:41:58 PM Eastern Daylight Time
From: [REDACTED]
To: info@tortcomm.org
CC: [REDACTED]

Claim # [REDACTED]

Almost 30 years ago I received silicone breast implants. I have had no problems until recently. However, now there is a concern that I may have developed a slow leak & silicone is getting into my body causing exceptionally high WBC. My doctor has recommended I have them removed immediately & surgery is scheduled for Wed., May 25th.

I am having trouble getting the information I need from sfdct to inform my surgeon of protocols, procedures, & documentation they'll need to reimburse me the \$5000 for explant surgery. I called to request a kit & was told they had to have the request in writing which I mailed yesterday. When my surgeon's office called them today to ask specifics, they were told they could not give them any information. When I called them today they told me the information would be in the packet, but when I asked if they could overnight-express the packet to me I was told it would take about 10 days after they received my written request...This will mean that we won't have the info we need until AFTER my surgery.

I'm trying my best to make sure that my claim is not denied payment due to a "loophole", but it's difficult to do it "right" when no one will tell us in advance what "right" is.

Since I got my implants so long ago I've been unable to locate the original records proving the implants were made by Dow Corning. The surgeon died several years ago, & the hospital was also closed. Additionally, my family physician & his partner have both died & their medical clinic closed several years ago. So, I'm told I'll need my current surgeon to be able to somehow document the implants as being Dow Corning, or that I could request to participate in a Pilot Program where we would send the implants to Dow & they would identify them, but no one can tell me HOW we would do that either.

I need your help ASAP!

Thank you in advance.
[REDACTED]

Subj: **FW: List of medical providers for Dow explant surgery**
Date: 4/18/2005 10:57:33 AM Eastern Daylight Time
From: [REDACTED]
To: info@tortcomm.org

My server said this was not sent, so I'll try again.

[REDACTED]

— Forwarded Message

From: [REDACTED]
Date: Fri, 15 Apr 2005 15:29:36 -0500
To: <info@tortcomm.org>
Cc: [REDACTED]
Subject: List of medical providers for Dow explant surgery

We have a client who is interested in taking part in the Dow Explant Assistance Program, but her previous surgeon is no longer practicing.. She knows no one now and asked if we have any list of medical providers available.

The Dow SF had mentioned that they would have an explant provider list available, but upon inquiry today, I was told that although they had promised that earlier, that the SF has now abandoned that idea because of possible liability to them.

The rep from the SF advised me to contact the Claimant's Advisory Committee for this information. This client is interested in an explant surgeon in the Houston area. Any help you can give will be appreciated. Thanks.

[REDACTED]

[REDACTED]

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EXHIBIT 1H

**Memorandum dated 6/14/2006 from D.
Austern to the CAC**

S F D C T
| | | | |
SETTLEMENT FACILITY
DOW CORNING TRUST

David T. Austern
Claims Administrator

3100 Main Street, Suite 700
Houston, Texas 77002

P.O. Box 52429
Houston, Texas 77052

Telephone 713.874.6060
Fax 713.874.6061

daustern@sfdct.com

MEMORANDUM

DATE: June 14, 2006
TO: Dianna Pendleton-Dominguez
Ernie Hornsby
FROM: David Austern
RE: Dinsmore & Shohi LLP

These are the discs I promised you. Thanks