

PROVOST UMPHREY

LAW FIRM, L. L. P.

D'JUANA PARKS

BOARD CERTIFIED: PERSONAL INJURY TRIAL LAW
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June 17, 2005

Dow Corning Litigation Unit
United States District Court
231 W. Lafayette Blvd., 5th Floor
Detroit, MI 48226

In Re: Dow Corning Corporation
Case No. 00-CV-00005
(Settlement Facility Matters)

Dear Clerk,

Enclosed please find for filing in the above referenced matter the original and one copy of the Motion and Memorandum in Support of To Toll The One Year Deadline For Curing Disease Claim Deficiencies.

Also, attached to this letter is an extra copy of this motion that we ask that you file stamp and return in the envelope provided.

A copy of same has been forwarded to the counsel listed in Judge Hood's Order Establishing Service List for Motions.

Very truly yours,


D'Juana Parks

Enclosure

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
DETROIT DIVISION

In Re:) Case No. 00-CV-00005
Dow Corning Corporation) (Settlement Facility Matters)
) HON. DENISE PAGE HOOD

MOTION AND MEMORANDUM IN SUPPORT OF TO
TOLL THE ONE YEAR DEADLINE FOR CURING DISEASE CLAIM
DEFICIENCIES

Comes now Susannah Breen (SID 0637901), by and through her undersigned counsel of record, and requests that the Court toll the one year deadline for curing deficiencies in her disease claim. Further she joins the motion submitted by Motley Rice firm filed May 27, 2005. In support of her Motion, Ms. Breen shows the following:

1. Ms. Breen submitted her disease claim for ACTD, disability level A, on December 13, 2003. Ms. Breen claim also had a claim in the RSP (Revised Settlement Program) that was **approved and paid at Level A**, with the 50% reduction. The claim was submitted to the SFDCT indicating that she intended to rely on that existing evaluation which had been approved.

2. On July 15, 2004, the SF-DCT mail Ms. Breen a Notification of Status (NOS) letter on her disease claim.

3. That NOS letter stated that her claim was deficient. There were enough symptoms approved to qualify for ACTD – Atypical Connective Tissue Disease, but no compensation (disability) level was approved. The NOS deadline to cure the deficiency in her claim is July 15, 2005.

4. The SF-DCT was contacted upon receipt of the July 15, 2004 NOS letter and an appointment was made for a nurse to call and discuss the claim and what would be required to cure deficiency prior to contacting Ms. Breen's QMD (Qualified Medical Doctor) to get a supplemental report to cure the deficiency.

5. Counsel's office was not able to contact Ms. Breen and had to obtain a current address through an investigator. Contact was not made with Ms. Breen until February of 2005 at which time she returned to her QMD for examination.

6. On March 29, 2005, Ms. Breen's counsel submitted a Supplemental Disease Review Form with the new report from her QMD based on his March 23, 2005 examination.

7. On April 20, 2005, the SF-DCT sent a second NOS letter that was identical to their first NOS letter.

8. On May 23, 2005, Ms. Breen's counsel submitted another Supplemental Disease Review Form with a supplemental report from her QMD.

9. On June 15, 2005, Ms. Breen's counsel filed an appeal to the Claims Administrator. No response has been received to date.

10. Ms. Breen has an approaching cure deadline of July 15, 2005. Her appeal to the Claims Administrator was submitted on June 15, 2005 and it is not anticipated that a response will be received prior to the July 15, 2005 cure deadline.


11. Ms. Breen's counsel cannot appeal to the Appeals Judge until they have received a written determination from the Claims Administrator. There has been a recent transition in the Claims Administrator position that may delay this determination. Ms. Breen will not receive a determination in time to appeal to the Appeals Judge prior to the July 15, 2005 cure deadline.

12. In addition, motions are pending before this court for the disclosure of substantive criteria created, adopted and/or being applied by the Settlement Facility. On January 26, 2005, the Court authorized the Finance Committee to hire Claims Management Resolution Corporation "to conduct a claims and operations audit of the Settlement Facility Dow Corning Trust (SF-DCT)."

WHEREFORE, Ms. Breen respectfully requests that this Court direct that her disease claim cure deadline be tolled until she is able to complete the appeals process and receive a final ruling from the appeals judge, until the audit is completed to determine whether the SF-DCT has applied the proper criteria in reviewing disease claims, and until all substantive, non-published criteria are made publicly available to all claimants by the SF-DCT.

Respectfully submitted,

PROVOST & UMPHREY LAW FIRM L.L.P.

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion was forwarded to the the Clerk of the Court on June 17, 2006. I further certify that I have emailed the foregoing to each of the following individuals.

For the Claimants' Advisory Committee

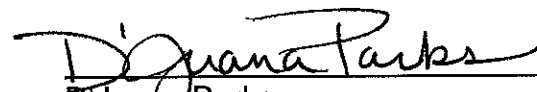
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