

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

F I L E D
FEB 25 2005
CLERK'S OFFICE
DETROIT

IN RE:)
) CASE NO. 00-CV-00005-DT
) (Settlement Facility Matters)
DOW CORNING CORPORATION,)
)
)
Reorganized Debtor.) HON. DENISE PAGE HOOD

**MOTION OF DEBORAH DESANTO
FOR 60 DAY EXTENSION TO CURE HER EXPLANT AND RUPTURE
DEFICIENCIES BASED ON SPECIAL CIRCUMSTANCES**

Comes now, Deborah DeSanto, by and through her undersigned counsel of record and requests that the Court toll the six month deadline for curing deficiencies in her explant and rupture claims. In support of her Motion, the claimant submits the following:

1. Claimant Deborah DeSanto joins in support and incorporates by reference the Motions filed by Doffermyre Shields Canfield Knowles & Devine and the Claimants' Advisory Committee seeking to toll the cure deadlines for deficient claims.
2. In May 1983, Claimant Deborah DeSanto received Dow Corning silicone gel breast implants in Boca Raton, Florida. The right implant was removed and replaced in February 1984 and again in April 1985 when the right implant ruptured. Both implants were removed in September 1998 and replaced with McGhan saline breast implants.

3. On June 14, 2003, the SF-DCT sent a Notice of Status letter stating that the April 1985 implantation was acceptable proof of Dow Corning breast implants and that claimant had submitted "No Proof" for the May 1983 implantation. Mrs. DeSanto submitted additional documentation and, on September 29, 2003, the SF-DCT sent a Notice of Status to claimant that she had acceptable proof of manufacturer for the May 1983 implantation.
4. Mrs. DeSanto has therefore received acceptable proof of manufacturer for all of her claimed Dow Corning breast implants.
5. On September 3, 2004, the SF-DCT mailed claimant a Notification of Status letter on her Explant claim and a second Notification of Status letter on Mrs. DeSanto's Rupture claim. Both Notification of Status letters stated that the claims were deficient. The "cure deadline" for both claims was six months from the date of the letter or March 2, 2005.
6. Claimant resides in Fort Lauderdale, Florida. The doctor who performed the explant surgery is in Delray Beach, Florida.
7. At the time the Notification of Status letters were sent, the state of Florida was in the midst of "one of the busiest and most destructive" Atlantic hurricane season ever experienced (see Statement from FEMA website attached as Exhibit 1 hereto). One tropical storm and four major hurricanes made landfall in the state of Florida within a six week period from mid-August 2004 to the

end of September 2004. Id. As a result, the state of Florida was declared a major disaster area on August 14, 2004 because of Hurricanes Bonnie and Charley (see Exhibit 2 attached), on September 4, 2004 because of Hurricane Frances (see Exhibit 3 attached), on September 16, 2004 because of Hurricane Ivan (see Exhibit 4 attached), and on September 26, 2004 because of Hurricane Jeanne (see Exhibit 5 attached).

8. As a result of the active hurricane season in 2004, claimant did not receive the Notification of Status letters in a timely fashion and, when they were received, she was not able to respond to them in a timely fashion to cure the deficiency.
9. Claimant respectfully requests an additional 60 days to cure the perceived deficiencies in her Explant and Rupture claims.

Respectfully submitted,



Richard DeSanto
Law Offices of Richard DeSanto
Suite 501
2601 East Oakland Park Blvd.
Fort Lauderdale, FL 33306

EXHIBIT 1



FEMA

2004 Hurricane Season Recovery Information

The 2004 Atlantic Hurricane Season has been one of the busiest and most destructive in history. While late in starting, there have now been 12 named storms thus far this season. These devastating storms have resulted in 21 federal disaster declarations covering 13 states and Puerto Rico. Click on the links below for information on what companies, agencies or services at the bottom of the page for general information.



- » Recovery Information
- » Mitigation Information
- » Additional Information

- » Gaston
- » South Carolina
- » Virginia

Jeanne

- » Florida
- » Puerto Rico

Frances

- » Florida
- » Georgia
- » North Carolina
- » Pennsylvania
- » Ohio

Ivan

- » Alabama
- » Florida
- » Georgia
- » Louisiana
- » New Jersey
- » New York
- » North Carolina
- » Ohio
- » West Virginia

Charley

- » Florida
- » Guam - Tinian

More Information

Recovery Information

- » [How To Apply For Assistance](#)
- » [Disaster Recovery Center Locations](#)
- » [Disaster Assistance Frequently Asked Questions](#)
- » [Steps to Take After the Disaster](#)

Mitigation Information

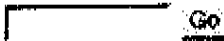
- » [Wind & Flood Rebuilding Techniques](#)
- » [Federal Alliance For Safe Homes](#)
- » [Tips for Filing Your Flood Insurance Claim](#)
- » [NFIP Frequently Asked Questions](#) (PDF - 27KB; TXT - 6KB)
- » [Increased Cost of Compliance Coverage](#) (PDF - 479KB; TXT - 2KB) NEW

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Federal Register Notice

Rating Code: 0440.A11.D

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

(FEMA-1539-DR)

Florida; Amendment No. 6 to Notice of a Major Disaster

Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Dept. Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Florida (FEMA-1539-DR), dated August 13, 2004, and related determinations.

EFFECTIVE DATE: October 7, 2004.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 7, 2004, the President authorizing arrangements concerning Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5206 (Stafford Act), in a letter to Michael D. Brown, Under Secretary for Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security, follows:

I have determined that the damage to certain areas of the State of Florida, resulting from a tropical storm and four major hurricanes within six weeks, including Tropical Storm Bonnie and Hurricane Charley on August 11-30, 2004; Hurricane Frances on September 3, 2004, and continuing; Hurricane Ivan on September 13, 2004, and continuing; and Hurricane Jeanne on September 24, 2004, and continuing, is sufficient severity and magnitude that special conditions are warranted regarding the cost sharing arrangements concerning Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5206 (the Stafford Act).

Therefore, I amend my declarations of August 13, 2004, September 4, 2004, September 18, 2004, and September 26, 2004, to authorize Federal funds for Public Assistance, including direct Federal assistance at 90 percent of total eligible costs, except those categories, including direct Federal assistance, previously approved at 100 percent.

This adjustment to State and local cost sharing applies only to Public Assistance costs and direct Federal assistance eligible for such adjustments under the law. The law specifically prohibits a similar adjustment to funds provided to States for Other Needs Assistance (Section 408), and the Hazard Mitigation Grant Program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

Please notify the Governor of Florida and the Federal Coordinating Officer of these adjustments to my major disaster declarations.

<http://www.fema.gov/news/dfra.fema?id=3271>

2/22/2005

These cost shares are effective as of the date of the President's major disaster declaration.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing of funds...

/s/ Michael D. Brown, Under Secretary, Emergency Preparedness and Response, Department of Homeland Security

Back to Disaster Federal Register Notices for Florida Hurricane Charley and Tropical Storm Bonnie

Last Updated: Wednesday, 13-Oct-2004 12:43:07

EXHIBIT 2



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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1539-DR]

Florida; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Dep. Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Florida (FEMA-1539-DR) August 13, 2004, and related determinations.

EFFECTIVE DATE: August 13, 2004.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2706.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 13, 2004, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Florida resulting from Tropical Storm Bonnie and Hurricane Charley beginning on August 11, 2004, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of Florida.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for the purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas, and assistance for debris removal (Category A) and emergency protective measures (Category B) under Public Assistance and Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate subject to completion of Preliminary Damage Assessments. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act, Public Assistance, Hazard Mitigation, and the Other Needs Assistance under Section 408 of the Stafford Act will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this d

FEMA: Federal Register Notice for Hurricane Charley and Tropical Storm Bonnie

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12656, as amended, Michael E. Bolch, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared disaster:

Charlotte, Lee, Manatee, and Sarasota Counties for Individual Assistance.

Debris removal and emergency protective measures (Categories A and B) for all counties in the State of Florida. Direct Federal assistance is authorized.

All counties within the State of Florida are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing down: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.049, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050, Individual Household Program-Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

/s/

Michael D. Brown,
Under Secretary,
Emergency Preparedness and Response,
Department of Homeland Security.

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Last Updated: Tuesday, 17-Aug-2004 15:27:48

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- » Wind & Flood - Prevention Techniques for Rebuilding
- » Recovery Times - Florida Volume 1 - Aug. 23, 2004
- » FEMA Charley Slideshow
- » Tips For Filing Your Flood Insurance Claim
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- » Disaster Registration Deadline - February 28, 2005 Or Apply, Feb 21 New
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- » Disaster Application Deadline Approaches, Feb 18

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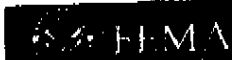
- » Wind & Flood - Prevention Techniques for Rebuilding
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Last Updated: Monday, 01-Nov-2004 14:50:17

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EXHIBIT 3



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Federal Register Notice

Billing Code 9110-10-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

(FEMA-1545-DR)

Florida; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Dep. Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Florida (FEMA-154 September 4, 2004, and related determinations.

EFFECTIVE DATE: September 4, 2004.

FOR FURTHER INFORMATION CONTACT: Magda Ruhl, Recovery Division, Federal Emergency Management, Washington, DC 20473, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 4, 2004, the President major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Florida resulting from Hurricane Fran beginning on September 3, 2004, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of Florida.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for that purpose, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas, assistance for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program in all counties in the State, and Hazard Mitigation statewide, and any other forms of assistance under the Stafford Act you may deem appropriate subject to completion of Preliminary Damage Assessments. Direct Federal assistance is authorized.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and the Other Needs Assistance under Section 406 of the Stafford Act will be limited to 75 percent of the total eligible costs. For the first 72 hours, you are authorized to fund direct Federal assistance and assistance for debris removal and emergency protective measures at 100 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Federal Register Notice for Hurricane Frances

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this d

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12656, as amended, William L. Canwell III, of FEMA is appointed to act as the Federal Coordinating Officer for this declared

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared disaster:

Brevard, Indian River, Martin, Palm Beach, and St. Lucia Counties for Individual Assistance.

Debris removal and emergency protective measures (Categories A and B) and direct Federal assistance to all counties in the State of Florida at 100 percent Federal funding of the total eligible costs for the first 72 hours.

All counties within the State of Florida are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawn from: 97.030, Community Disaster Loans; 97.031, Core Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.049, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.060, Individual and Household Program-Other Needs; 97.038, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

/s/

Michael D. Brown,
Under Secretary,
Emergency Preparedness and Response,
Department of Homeland Security.

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Last Updated: Monday, 05-Sep-2004 10:00:05

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- » HurricaneFrancesRelief.com - Localized Recovery Information
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- » Wind & Flood - Prevention Techniques for Rebuilding
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EXHIBIT 4

Washington, DC 20535 (424) 444-1111

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 16, 2004, the President signed into law the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5128 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Florida resulting from Hurricane Ivan beginning on September 13, 2004, and continuing to a further extent, was major disaster assistance as defined in Section 5121(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5128 (the Stafford Act), and, therefore, declare that such a major disaster exists in the State of Florida.

In order to provide Federal assistance, you are hereby authorized to disburse from funds available for that purpose, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

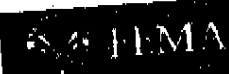
You are authorized to provide individual assistance and assistance for disaster relief and emergency relief under the Stafford Act, and to manage the Public Assistance program in the designated areas. Federal assistance through the Stafford Act and any other form of assistance under the Stafford Act you may deem appropriate subject to completion of Treasury Department, Disaster Federal Assistance Authorization.

Consistent with the requirements that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Loss of Antiquities, and the Other Needs Assistance under Section 5128 of the Stafford Act will be limited to 75 percent of the total eligible costs. For a period of up to 90 days, you are authorized to incur expenses for debris removal and emergency protective measures, including direct Federal assistance, at 100 percent of the total eligible costs.

Further, you are authorized to make changes by the execution to the award schedule under the Stafford Act.

<http://www.fema.gov/news/dfrn.Dena?id=2966>

2/22/2005



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- > Disaster Registration Deadline - February 28, 2005 Or Apply, Feb 21 **NEW**
- > Mobile Disaster Recovery Center Schedule, 2/21/05 to 21 **NEW**
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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1551-DR]

Florida; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Dep. Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Florida (FEMA-1551-DR) September 16, 2004, and related determinations.

EFFECTIVE DATE: September 16, 2004.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 16, 2004, the President has declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5208 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Florida resulting from Hurricane Ivan beginning on September 13, 2004, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5208 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of Florida.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for that purpose, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and assistance for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program in the designated area: Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate subject to completion of Preliminary Damage Assessments. Direct Federal assistance authorized.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and the Other Needs Assistance under Section 406 of the Stafford Act will be limited to 75 percent of the total eligible costs. For a period of up to 72 hours you are authorized to fund assistance for debris removal and emergency protective measures, including direct Federal assistance, at 100 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 510(a), Priority to Certain Applications for Public Federal Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this d

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order amended, William L. Carville, III, of FEMA is appointed to act as the Federal Coordinating Officer for this declared

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared disaster:

Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties for Individual Assistance.

Bay, Calhoun, Dixie, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Levy, Live Oak, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties for Public Assistance (Categories A and B), including direct Federal assistance at 100 percent of the total eligible costs for a period of up to 72 hours.

All counties within the State of Florida are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing: 97.030, Community Disaster Loans; 97.031, Core Brown Fund Program; 97.032, Crisis Counseling; 97.033, Direct Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.045, Fire Management Assistance; 97.049, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050, Individual Household Program-Other Needs; 97.038, Public Assistance Grants; 97.038, Hazard Mitigation Grant Program.)

/s/

Michael D. Brown,
Under Secretary,
Emergency Preparedness and Response,
Department of Homeland Security.

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Last Updated: Friday, 17-Sep-2004 14:14:31

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EXHIBIT 5

I have determined that the damage in certain areas of the State of Florida beginning on September 24, 2004, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Florida.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for that purpose such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and assistance for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program in the designated areas; Hazard Mitigation throughout the State; and any other forms of assistance under the Stafford Act you may deem appropriate subject to completion of Preliminary Damage Assessments. Direct Federal assistance is authorized.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation and the Other Needs Assistance under Section 506 of the Stafford Act will be limited to 75 percent of the total eligible costs. For a period of up to 72 hours, you are authorized to fund assistance for debris removal and emergency protective measures, including direct Federal assistance, at 100 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 510(a), Priority to Certain Applications for Public Assistance.

<http://www.fema.gov/news/dfrn.fema?id=3122>

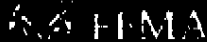
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FEMA: Florida Hurricane Jeanne

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EXHIBIT 5


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Federal Register Notice

Billing Code 9110-10-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1561-DR]

Florida: Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Dep Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Florida (FEMA-156 September 26, 2004, and related determinations.

EFFECTIVE DATE: September 26, 2004

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 26, 2004, the Presi a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S 5121-5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Florida resulting from Hurricane Jean beginning on September 24, 2004, and continuing, is of sufficient severity and magnitude to warrant a r disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S 5121-5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Fl

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for th purposes such amounts as you find necessary for Federal disaster assistance and administrative exper

You are authorized to provide Individual Assistance and assistance for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program in the designated area Hazard Mitigation throughout the State; and any other forms of assistance under the Stafford Act you m deem appropriate subject to completion of Preliminary Damage Assessments. Direct Federal assistance authorized.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided u the Stafford Act for Public Assistance, Hazard Mitigation and the Other Needs Assistance under Sectio of the Stafford Act will be limited to 75 percent of the total eligible costs. For a period of up to 72 hours, are authorized to fund assistance for debris removal and emergency protective measures, including dir Federal assistance, at 100 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Staffi Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Fa

Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this d

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12656, William L. Cerwie, III, of FEMA is appointed to act as the Federal Coordinating Officer for this declared

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared disaster:

The counties of Brevard, Hardee, Hernando, Highlands, Hillsborough, Indian River, Lake, Martin, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia for Individual Assistance.

The counties of Brevard, Citrus, DeSoto, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Levy, Manatee, Marion, Martin, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia for Public Assistance (Categories A and B), including direct Federal assistance, at 100 percent of the total eligible costs for a period of up to 72 hou

All counties within the State of Florida are eligible to apply for assistance under the Hazard Mitigation G Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.049, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050, Individual Household Program-Other Needs; 97.056, Public Assistance Grants; 97.059, Hazard Mitigation Grant Program.)

/s/

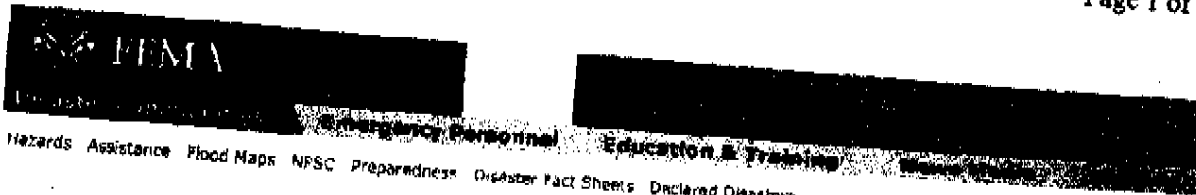
Michael D. Brown,
Under Secretary,
Emergency Preparedness and Response,
Department of Homeland Security.

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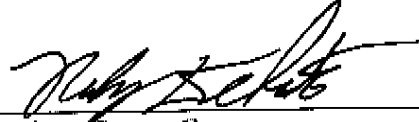
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FEMA 600 C Street, SW Washington, D.C. 20472 Phone: (202) 686-1600

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing and Motion For 60 Day Extension to Cure Her Explant and Rupture Deficiencies Based On Special Circumstances and attached exhibits was sent via Federal Express to the Court this ~~24th~~^{27th} day of February 2005 and was served via electronic mail this ~~24th~~ day of February 2005 on the Settlement Facility, the Debtor's Representatives and Claimants' Advisory Committee.



Richard De Santo, Esq.