

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

In Re:

**DOW CORNING CORPORATION,
Reorganized Debtor.**

**Civil Action No. 00-CV-00005-DT
Honorable Denise Page Hood**

ORDER RE: MOTION FOR CLARIFICATION

On August 24, 2005, a Motion for Clarification of the Court's October 6, 2004 Order was filed by the following who have submitted claims for substantial contribution pursuant to § 9.02 of Annex A to the Settlement Facility and Fund Distribution Agreement: Doffermyre Shields Canfield Knowles & Devine and lawyers Ralph I. Knowles and Leslie J. Bryan; the Jacks Law Firm and lawyer Tommy Jacks; Lieff, Cabraser, Heimann & Bernstein and lawyer Elizabeth J. Cabraser; Waite Schneider Bayless & Chesley and lawyer Stanley M. Chesley; and Sybil Goldrich. The movants claim that a "potential ambiguity in the Court's October 6, 2004 Order needs clarification in advance of the date that their submissions are due." (Br., p. 2) The movants' replies are due on September 6, 2005. The movants seek a clarification of the term "procedures" in Paragraph (4) of the Court's October 6, 2004 Order and claim they require a clarification of this term pending their submission of their reply briefs, due on September 6, 2005.

Motions for rehearing, reconsideration and clarification are governed by the Local Rules of the Eastern District of Michigan which provide that any motion for reconsideration shall be served not later than ten (10) days after entry of such order. E.D. Mich. LR 7.1(g)(1); Bankr. R. 8015; E.D. Mich. Bankr. L. R. 9024-1. No response to the motion and no oral argument thereon shall be allowed unless the Court, after filing of the motion, otherwise directs. E.D. Mich. LR 7.1(g)(2). The

Local Rule further states:

(3) **Grounds.** Generally, and without restricting the discretion of the Court, motions for rehearing or reconsideration which merely present the same issues ruled upon by the Court, either expressly or by reasonable implication, shall not be granted. The movant shall not only demonstrate a palpable defect by which the Court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof.

E.D. Mich. LR 7.1(g)(3).

The Court finds that the instant motion is filed well-beyond the ten day time limitation. The motion is, therefore, untimely. The October 6, 2004 Order is a scheduling order which contemplates further schedules and procedures for resolution of any objections, including setting hearing dates on the motions. (Oct. 6, 2004 Order, ¶ 4) To date, the Court has not issued any such “procedures,” awaiting the parties’ submissions of their briefs. The Court finds that the movants have not demonstrated a palpable defect by which the Court and the parties have been misled by the entry of the October 6, 2004 Order nor have the movants shown that a different disposition of the case would result from a correction of any error.

Accordingly,

IT IS ORDERED that the movants’ Motion for Clarification (**Docket No. 204, filed August 24, 2005**) is DENIED.

DATED: August 31, 2005

/s/ DENISE PAGE HOOD
DENISE PAGE HOOD
United States District Judge