

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re: § CASE NO. 00-CV-00005-DT  
§ (Settlement Facility Matters)  
DOW CORNING CORPORATION, §  
§ Honorable Denise Page Hood  
Reorganized Debtor §

**SCHEDULING ORDER NO. 2**  
**REGARDING CERTAIN DISPUTED LATE CLAIM REQUESTS**

On December 12, 2005, Dow Corning Corporation and the Debtor's Representatives (together, "Dow Corning"), and the Claimants Advisory Committee (the "CAC") (collectively, the "Movants") filed a Motion to Establish Procedures to Determine Status of Late Claims (the "Motion"). The Motion proposed procedures for addressing Late Claim Requests (as defined in the Motion) that have been submitted to the Court. On January 19, 2006, the Court issued an Order granting the Motion and approving certain Procedures for Determining Status of Late Claimants and Late Claim Requests (the "Procedures").

On March 17, 2006, the Movants filed a Notice of Disputed Late Claim Requests and Proposed Scheduling Orders (the "Notice"), which identified for the Court all of the Late Claim Requests that are in the Disputed Cause category under the Procedures. The Movants sent the Notice to all of the late claimants ("Late Claimants") (and to their counsel, if known to the Movants) whose Late Claim Requests are in such category (the "Disputed Requests"). The Late Claimants are listed on **Exhibit 1** attached hereto.<sup>1</sup> This Order shall govern further proceedings on the Disputed Requests through the Initial Status Conference described in paragraph 5 below.

1. **Objections: JUNE 20, 2006** is the deadline for the Movants to file Objections to the Disputed Requests and to send the Objections to the Late Claimants (and their counsel, if known to

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*To maintain claimant confidentiality, a copy of Exhibit 1 will not be sent to the Late Claimants, but if you received this Scheduling Order No. 2, you are a Late Claimant and you are on Exhibit 1.*

the Movants). With each Objection, the objecting party shall also serve a notice ("Notice") informing the Late Claimants of the deadline for written Responses to be received by the Court, as described in paragraph 2 below. The Notice will also inform the Late Claimants of the date, time and location of the Initial Status Conference described in paragraph 5 below.

2. **Responses: JULY 25, 2006** is the deadline for a Late Claimant to file a written Response to the Objection related to her/his Disputed Request.<sup>2</sup> **The Response must be received by the Court no later than July 25, 2006 at the following address:**

U.S. District Court  
Dow Corning Litigation Unit  
231 W. Lafayette  
Detroit, MI 48226

Late Claimants must file their Responses on the form attached hereto as **Exhibit 2**. The Response must state in writing why the Late Claimant does not agree with the Objection and any additional reasons for lateness that the Late Claimant has not previously told the Court in writing. A Late Claimant or her/his counsel may file a legal memorandum in addition to a Response, but any such memorandum must be received by the Court at the foregoing address no later than July 25, 2006.

3. **Failure to File a Response: If the Court does not receive a Response from a Late Claimant by July 25, 2006**, either of the Movants may file a document with the Court stating that no Response was received. A copy of that document will be sent to the Late Claimant in question and to the Movants. Based on this document, the Court may deny the relevant Disputed Request with

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The CAC may file a response to an Objection, and Dow Corning reserves all rights with respect to any such response.

prejudice (that is, the Court may permanently rule that the Late Claimant cannot participate in the Dow Corning settlement program), or the Court may set a status conference for further proceedings.

4. **Replies: AUGUST 18, 2006** is the deadline for Dow Corning and/or the CAC to file a Reply to any Response.

5. **Initial Status Conference; Initial Status Report; Scheduling Orders:** The Court will hold an Initial Status Conference on the Disputed Requests on **SEPTEMBER 7, 2006 at 9:00 a.m.** in the courtroom of Judge Denise Page Hood, located on the second floor of the Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan. No later than **AUGUST 28, 2006**, the Movants shall file and send to the Late Claimants (and their counsel, if known to the Movants) an initial status report containing the following information: (a) the date the Objection was filed and sent to the Late Claimants or their counsel, (b) the identity of the Late Claimants who filed a Response and those who did not, (c) recommended scheduling orders, and (d) any other information or recommendation that may be helpful to the Court.

No later than **AUGUST 28, 2006**, the Movants shall send proposed scheduling orders to the Late Claimants (and their counsel, if known to the Movants). The proposed scheduling orders may set discovery deadlines and the date for a final hearing on each Objection. ***A Late Claimant, or counsel for a Late Claimant, is not required to attend the Initial Status Conference if she/he consents to the proposed scheduling order for her/his Disputed Request.***

6. **Final Hearing Dates.** Final hearing dates with respect to the Disputed Requests will be determined at the Initial Status Conference and set forth in scheduling orders that will be served on all parties.

Dated: May 15, 2006

/s/ DENISE PAGE HOOD  
Denise Page Hood  
United States District Judge