

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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

**AGREED ORDER WITHDRAWING MOTIONS TO  
ALLOW LATE PROOFS OF CLAIM AND CONFIRMING  
MOVANTS' STATUS AS TIMELY NOTICE OF INTENT CLAIMANTS**

In October and November 2005, each of the following persons (“Movants”) filed a “Motion to be Deemed Eligible Under Class 5 of the Dow Plan” (the “Motions”): Nancy Davis (dkt. 236), Kathleen Wright (dkt. 241), and Valerie Brockman (dkt. 254). In the Motions, the Movants sought status as Class 5 claimants under the Amended Joint Plan of Reorganization to the same extent as any Class 5 claimant who had timely filed an Implant Proof of Claim in the Dow Corning bankruptcy case. Counsel for Dow Corning and counsel for the Movants have discussed the merits of the Motions and have agreed to their resolution as set forth below, and the Claimants’ Advisory Committee concurs in such resolution.

Based on the parties’ agreement, as evidenced by their signatures below, it is hereby ORDERED as follows:

1. The Motions are hereby withdrawn with prejudice and the Movants shall not have the status as claimants who timely filed an Implant Proof of Claim.

2. However, each of the Movants has timely filed a Notice of Intent.<sup>1</sup> Each Movant shall be a Settling Personal Injury Claimant and shall be eligible to participate in the Settlement Facility-Dow Corning Trust (“SF-DCT”) (a) if the Movant matches to a Rule

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The Movants’ Notice of Intent records are identified as follows: Valerie Brockman—N0001546;

3005 claim filed in her individual name or (b) to the extent the parties agree to, and/or the Court orders, a resolution of the pending Motion of Dow Corning Corporation to Establish Procedure to Assist the Claims Administrator to Identify and Match Notices of Intent to Rule 3005 Claims in Accordance with Amended Joint Plan.

3. Each Movant's Notice of Intent shall be considered by the SF-DCT in accordance with the procedures applicable to all other timely Notices of Intent under the Plan, the Plan Documents, and all relevant Court orders.

Dated: April 13, 2006

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

**AGREED:**

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