

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
Southern Division**

In re:	)	
SILICONE GEL BREAST IMPLANT	)	Master File No.
PRODUCTS LIABILITY LITIGATION	)	CV 92-P-10000-S
(MDL 920)	)	
	)	
HEIDI LINDSEY, et al.,	)	
Plaintiffs,	)	
	)	
-vs.-	)	
	)	
DOW CORNING CORP., et al.,	)	Civil Action No. CV 94-P-1158-S
Defendants.	)	
	)	
	)	

**ORDER No. 19  
(Class Members Information; Confidentiality; Access)**

Earlier court directives have advised putative class members that their request for copies of the Settlement Notice will not be a matter of public record, that their identity will be protected against disclosure except to the extent necessary to administer the settlement, and that information on Exclusion Forms will similarly be protected against unnecessary disclosure. The parties, however, have certain needs to review some of this information. This order is entered to further define the rights and obligations of the parties and their agents with respect to access to, and restrictions on the dissemination and use of, such information.

1.     Requests for Settlement Notices. The names and addresses provided by putative class members, either in writing or orally, to Voicecom, Spectrum, or to Settlement Class Counsel for the purposes of obtaining copies of the Settlement Notice are deemed to be confidential information. Such information shall not, without court approval, --

(a)     be used by them except for the purposes of mailing copies of the Settlement Notice to class members, contacting class members who request to speak to an attorney, and compiling appropriate summaries reflecting the number of persons requesting and mailed such information; or

(b) be disclosed to other persons except as may be necessary or desirable to determine, should an issue arise, if and when a particular individual requested or was mailed the Settlement Notice. This proscription does not prevent Voicecom, Spectrum, or Settlement Class Counsel from sharing this information among themselves in order to fulfill their respective obligations under other orders of this court.

2. Information on Exclusion Forms. All information on Exclusion Forms submitted to the court shall be treated as confidential and shall not be disclosed except as authorized by the court or for the following purposes and under the following conditions:

(a) All information on an Exclusion Form may be disclosed to an attorney named in part 3 on the reverse side of the form or otherwise identified as representing such person.

(b) If it appears that a person who does not indicate the name of an attorney representing her is requesting further information about her rights or may be confused about those rights (such as by the submission of both an Exclusion Form and a Claim or Registration Form), appropriate information may be provided to Settlement Class Counsel in order to provide assistance to such person.

(c) Attorneys for the defendants listed in subparagraph (2) below, and employees of such attorneys, shall be afforded access to such information for the limited purposes of (i) evaluating the effect of such exclusions on their client's rights to withdraw from the class action settlement and (ii) determining which class members did not elect to exclude themselves from the settlement. They, and their clients and insurers, are barred and enjoined from using in any other legal proceeding any information contained on the reverse side of the form.

(1) Attorneys for these defendants shall not disclose or disseminate this information to any other person or entity, except that --

(A) they may (after eliminating identifying information, such as name, address, and social security number) compile data from such Exclusion Forms and provide such data to their clients and insurers: and

(B) they are not (in communications with an attorney named in part 3 on the reverse side of the form or otherwise identified as representing such person) precluded from discussing information contained on such form.

(2) The defendants whose attorneys are afforded this access are Dow Corning Corporation, Baxter Healthcare Corporation, Baxter International Inc., Medical Engineering Corporation, Bristol-Myers Squibb Company, Minnesota Mining and Manufacturing Company, Union Carbide Corporation, McGhan Medical Corporation, Wilshire Technologies, Inc., and Applied Silicone Corporation.

(d) Identifying information (name, address, telephone number, date of birth/death, etc.) of persons who, in part 4 on the reverse side of the form, indicate that they are a party in an existing lawsuit may be disclosed to that court and to the parties and counsel in such lawsuit. Recognizing that there may be many persons filing the Exclusion Form who do not complete part 4, this court will establish procedures for sharing such identifying information with state courts needing such information in order to identify the persons who opt out of the settlement

class.

This the 7th day of June, 1994.

/s/ Sam C. Pointer, Jr.  
United States District Judge