

FILED

AUG 21 2009

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U.S. DISTRICT COURT

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

IN RE SETTLEMENT FACILITY MATTERS,

CASE NO. 00-X-00005

Dow Corning Corporation,

HONORABLE DENISE PAGE HOOD

Reorganized Debtor.

**ORDER PERMITTING THE SETTLEMENT FACILITY - DOW CORNING
TRUST TO DESTROY CERTAIN CLAIM FILES**

This matter came before the Court based on a July 8, 2009 letter from the Claims Administrator, Settlement Facility - Dow Corning Trust (the "SF-DCT") requesting that the Court permit the SF-DCT to destroy certain claim files maintained by the SF-DCT. A copy of the Claims Administrator's letter describing the files to be destroyed (the "dead" files) is attached to this Order and is incorporated herein by reference.

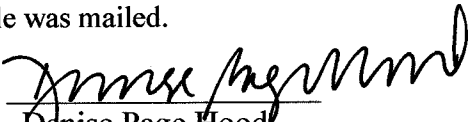
This Court retains jurisdiction over the Amended Joint Plan of Reorganization of the above-captioned matter ("Plan") to enter orders in aid of the Plan and the Plan Documents. (Plan, Section 8.7.5).

All expenses of the SF-DCT are paid out of the Reorganized Debtor's defined contributions to the Plan's Trust, thus reducing on a dollar-for-dollar basis the funds that remain available to pay Plan beneficiaries. As a result, the Court finds that it is in the best interests of the Plan Beneficiaries to eliminate, where possible, any unnecessary expenses associated with SF-DCT operations. The Court further notes that the Parties have been made aware of the submission of this Order and the attached letter, and have not filed an objection.

Accordingly,

IT IS ORDERED that the SF-DCT Claims Administrator is authorized to destroy the dead files referred to in the letter that it is attached to this Order, but only one month after notice of this Order is posted on the SF-DCT website, and only such files the contents of which are not requested by a claimant to whom the contents of any such file was mailed.

Date: Aug. 21, 2009


Denise Page Hood
United States District Judge

S F D C T
SETTLEMENT FACILITY
DOW CORNING TRUST

DAVID T. AUSTERN
CLAIMS ADMINISTRATOR

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RECEIVED
JUL 13 2009
DENISE PAGE HOOD
U.S. DISTRICT JUDGE
TELEPHONE 713-874-6099
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July 8, 2009

Honorable Denise Page Hood
United States District Judge
Theodore Levin U.S. Courthouse
231 West Lafayette Blvd.
Room 251
Detroit, MI 48226

Dear Judge Hood:

Re: Settlement Facility – Dow Corning Trust Files

During several SF-DCT Status Conference calls during the past year, I have mentioned that in order to reduce the SF-DCT file room space, as well as to ease file retrieval, we have been removing from the file room shelves and boxing what we believe to be “dead” files (as defined below). This task is very close to complete. Our file room is the largest space in our offices, and reducing our on-site files is a part of our plan to reduce the space we now occupy in anticipation of returning to our landlord this September approximately one-third of our leased premises.

Among the claimant files we consider to be dead and of no further use or importance to the SF-DCT are 20,528 Class 7, Class 8, Class 9 and Class 10 files that contain only returned (to the SF-DCT) mail we attempted to send to putative claimants. As you will recall, the deadlines to file Classes 7, 8, 9 and 10 Claim Forms have expired.

In late 2001, the SF-DCT mailed a Newsletter to all claimants who had filed Proofs of Claim during the Dow Corning bankruptcy. Some of this mail was returned because the address we had been supplied was not the address of the claimant. Some of the dead files contain returned copies of the Newsletter. As a result of the returned mail received from that mailing, research was performed to attempt to find current addresses for the returned mail population. If we were successful in this effort, the claimant was sent another Newsletter. When we were unsuccessful, the return mail was placed in the claimant’s file, where it has remained since – except where we later received notification from the claimant or an attorney.

Honorable Denise Page Hood

July 8, 2009

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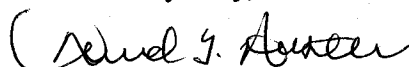
Later, during February 2003, Claim Forms were mailed to all claimants who had filed a Proof of Claim, including those for whom we had received return mail from the Newsletter. Some of the dead files contain returned mail from this mailing. Just before the effective date, in June 2004, a third mailing was made to everyone who had filed Proof of Claim, again regardless of whether we had mailed to them in both of the first two mailings and we had received return mail.

In summary, the 20,528 dead files contain return mail from one, two or all three of the mailings described above.

While we also have removed from the file room and boxed an additional 64,000 Classes 7, 8, 9 and 10 claim files, these files contain medical records or other documents that are claimant specific, and not just returned mail. Thus, even though filing deadlines for these claimants have expired, in an abundance of caution, we will store off site – at least for the time being – these 64,000 files. However, I do not know of any useful purpose to pay for the storage of the 20,528 dead claim files described above. If an issue ever arose concerning the identity of claimants for whom the SF-DCT has only return mail in the claim files, we have a computer data base that identifies such claimants, as well as the address from which the mail was returned. The SF-DCT will maintain the data base.

Therefore, attached to this letter is a proposed Order granting the SF-DCT permission to destroy the dead files. This Order has been reviewed by the Parties and they do not object.

Yours very truly,



David T. Austern
Claims Administrator

Enclosure

cc: Finance Committee
Dow Corning Representatives
Claimants' Advisory Committee