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**NEVADANS DROP LAST OBSTACLE
TO DOW SETTLEMENT PLAN**

**Breast Implant Claimants Should Start
Receiving Checks This Year**

Friday, March 19 – The last legal hurdle to finalizing the massive Dow Corning bankruptcy was overcome today when a Nevada attorney agreed to dismiss his claims against parent company Dow Chemical. Administrators of the \$2.35 billion fund may complete processing claims so that tens of thousands of women injured by breast implants and other implantable devices may be paid.

"I continue to believe Dow Chemical was responsible for the pain and suffering of untold numbers of women," said Nevada counsel Geoff White of the law firm White, Meany and Weatherall. "My brother John and I fought long and hard for the Nevada women. It simply became clear that the process would take too long for very sick women in Nevada and elsewhere to recover for their injuries." White represents 48 Nevada women who have been the last plaintiffs to sign off on the Dow Corning bankruptcy. His brother, John White of White Law, Chartered, is the Nevadans' bankruptcy counsel.

"We commend the Nevada women and their lawyers for dismissing their appeal for the greater good. Now all claimants can pursue their rights under the Plan of Reorganization," said Ralph Knowles of Doffermyre, Shields, Canfield, Knowles & Devine, a member of the Tort Claimants Committee. "The Tort Claimants' Committee represents the interests of all women – whether from New York or Texas or Nevada or anywhere else. We look forward to moving ahead with all claimants and their counsel to insist that their rights under the Plan are protected and prosecuted."

Like all other claimants, the Nevada women will be able to either elect a settlement option or litigate according to the Plan's terms. But they have foregone their ability to sue Dow Chemical. Dow Corning insisted that Dow Chemical be released from litigation as a condition of finalizing the reorganization plan.

The Nevada attorneys and others have claimed that Dow Corning parent company Dow Chemical was responsible for helping test the safety of silicone and for misleading the public about its safety. In 1995, a Nevada jury imposed liability on Dow Chemical on behalf of Charlotte Mahlum. This judgment was upheld on appeal before the Nevada Supreme Court. The Nevada claim was the last claim standing against the chemical giant, whose market capitalization is almost \$38 billion.

The Dow Corning Plan of Reorganization was approved in 1999, but has been held up by a variety of claims, including certain foreign claimants and a U.S. government appeal aimed at reclaiming medical expenses related to breast implant injuries.

Earlier this year, the U.S. Food and Drug Administration refused to lift restrictions on the sale of silicone gel breast implants, citing concerns about rupture, silicone leakage, painful local complications and possible long-term illness.

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Legal Timeline

- 2002 A federal judge in Detroit authorizes a \$9.8 million settlement between Dow Corning and the federal government for medical expenses stemming from breast implant-related injuries, marking the removal of the second-to-last barrier to compensating women for damages caused by Dow Corning's breast implants.
- 1999 Plaintiffs agree to Dow Corning's offer to settle tens of thousands of claims of injury from silicone breast implants. The agreement will allow Dow Corning to emerge from bankruptcy proceedings.
- 1998 Dow Corning files for Plan of Reorganization, which includes the \$2.3 billion (net present value) previously agreed-to settlement and offers claimants several payout options.
- 1997 A Louisiana jury finds Dow Chemical guilty of fraud, negligence, conspiracy and three other counts in the first phase of a state-wide class action.
- 1995 Dow Corning files for Chapter 11 bankruptcy. In November, a new global settlement is devised minus Dow Corning. Baxter, 3M, and Bristol-Myers Squibb are the participants.
- In October, Nevada attorney Geoff White's client Charlotte Malhum wins her suit against Dow Chemical for breast implant injuries. Malhum maintained that Dow Chemical failed to disclose important facts about silicone implants, and that Dow Chemical was liable because the company tested the materials used in the breast implants. The Nevada Supreme Court upheld the verdict on appeal.
- 1994 A federal judge approves a \$4.25 billion "global" settlement offer by the large implant manufacturers (Dow Corning, Baxter, 3M, and Bristol-Myers Squibb) to settle all lawsuits.
- 1992 The U.S. FDA restricts the sale of silicone gel breast implants because of an absence of safety data. The greatest concern was the growing evidence that implants did not last a lifetime, as had been claimed, and would eventually rupture, leaking silicone that then was show to travel throughout the body.
- 1976 Congress passes the Medical Device Amendments to the Food, Drug and Cosmetic Act, giving the U.S. FDA responsibility for regulating all medical devices for the first time. Since breast implants had previously been sold in the U.S., they are "grandfathered in" and allowed to stay on the market, although the manufacturers had submitted no data that they were safe.

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