

October 30, 2003

For immediate release—

APPEALS COURT REFUSES DOW'S APPEAL

Yesterday, the Michigan Court of Appeals refused to hear Dow's medical monitoring appeal. The Honorable Leopold P. Borrello of the Circuit Court of Saginaw County had previously refused to dismiss 179 plaintiffs and their class action against Dow Chemical for a medical monitoring trust fund program. Dow sought an emergency appeal and peremptory reversal of Judge Borrello's decision. The Court of Appeals refused Dow's appeal.

"This is a big victory for the plaintiffs and significant loss for Dow," said Jan Helder, lead counsel for the plaintiffs "...this means that Dow will have to engage in evidentiary discovery and provide its internal scientific information with respect to Dioxin known adverse health effects. This is the first step towards requiring Dow to fund a community health initiative to address Dow's Dioxin pollution in the Tittabawassee River and flood plane."

Any further inquires may be directed to Jan Helder at (816) 714-7111, (800) 714-0360, or by email at [helder@shslitigation.com](mailto:helder@shslitigation.com).