

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOTHERN DIVISION**

IN RE	§	
	§	
DOW CORNING CORPORATION	§	
	§	
Reorganized Debtor	§	CASE NO: 00-CV-00005-DT
	§	
	§	Hon.Denise page Hood
	§	
	§	
	§	

MOTION FOR EXTENSION OF DEADLINE OF CLASS 7 CLAIMANTS

I. INTRODUCTION

SF-DCT denied the benefits of seventy one(71) Korean Claimants who received either Mentor, Bioplasty, or CUI implant. SF-DCT based the reason for denial on that the Claimants received the implant after January 1, 1992. SF-DCT added that the implant must be implanted between January 1, 1976 and January 1, 1992.

Seventy one(71) Claimants are in the following.

No.	Manufacturer	SID	Name
1	BIO	1036712	JEONG RAN KANG
2	BIO	1037102	PIL NAM GWAK
3	BIO	1036278	AE MIN KIM
4	BIO	1036869	SOON IL NA
5	BIO	6459174	YOUNG SOON SON

6	BIO	1035900	SUN SUK SONG
7	BIO	6477885	JUM SOOK OH
8	BIO	1036404	YEON HWA HONG
9	CUI	1036595	MOON HEE KANG
10	CUI	6473899	SUNG GYE KANG
11	CUI	1035932	KI MI KIM
12	CUI	1036295	BANG JA KIM
13	CUI	6474528	SOON BOK KIM
14	CUI	1036336	YUN SUK KIM
15	CUI	1035529	YOUNG LIM KIM
16	CUI	1035579	EUN JI KIM
17	CUI	1036770	IN SUK KIM
18	CUI	6460075	JOUNG NAM KIM
19	CUI	1035816	JUNG IM KIM
20	CUI	1036089	JU HEE KIM
21	CUI	1035534	SUN NAM NAMKUNG
22	CUI	1035921	KOUNG JIN NAM
23	CUI	6473607	HEE JOUNG RO
24	CUI	6460329	SOOK JA MYUNG
25	CUI	6475044	HAE RAN MO
26	CUI	1036231	BANG SUK MOON
27	CUI	1035925	HYE SUNG MOON
28	CUI	6442899	YUN SIK PAK
29	CUI	1035530	CHUN DUK SON
30	CUI	1035949	JUNG HYE SHIN

31	CUI	1035540	BO HUN AN
32	CUI	1035881	YOUNG HEE AN
33	CUI	1035899	JAI SOON YOUNG
34	CUI	1036291	HYUN SOOK EUO
35	CUI	1035833	EA SOON WOO
36	CUI	1036478	JIN SUN WOO
37	CUI	6475062	KANG HEE LEE
38	CUI	1035751	KUM SEONG LEE
39	CUI	1036477	NAM YEON LEE
40	CUI	1036852	ME JA LEE
41	CUI	1036325	MYUNG SUK LEE
42	CUI	1036844	SANG KYUNG LEE
43	CUI	6474624	SUNG AH LEE
44	CUI	1038471	SOO JUNG LEE
45	CUI	1035783	ANN SOON LEE
46	CUI	1036282	EUN RIEN LEE
47	CUI	6461962	JOO YAE LEE
48	CUI	1035771	HYUN SOOK LEE
49	CUI	6460623	GWI NAM LIM
50	CUI	1036727	SUN HEE LIM
51	CUI	1038445	YOUNG SEON IM
52	CUI	1036445	JANG RIM CHANG
53	CUI	6460240	MOUNG SOOK JOEN
54	CUI	1036697	EUN SIL CHUN
55	CUI	1036012	MI YOUNG JOUNG

56	CUI	6464070	CHU EUN CHO
57	CUI	2783643	MI KYOUNG CHOI
58	CUI	1035971	HEUN BUN CHOI
59	CUI	1036035	JEOUNG IN HA
60	CUI	1037084	YOUNG SUK HER
61	CUI	6474348	GYUNG SOOK HYUN
62	CUI	6473476	SOO MI HONG
63	CUI	1036638	YUN SUK HONG
64	MEN	1035560	JUNG NAM KU
65	MEN	1035786	SUN JA KIM
66	MEN	1036268	KOUNG HI MOON
67	MEN	1036237	JUNG HEE BAE
68	MEN	1035723	BONG HEE WOO
69	MEN	1035562	KYONG OK LEE
70	MEN	1037112	IN SOOK LEE
71	MEN	1037045	OK SOON CHOUNG

The above Korean Claimants appealed to the Appeals Judge in accordance with Section 4.07, Article 4, Settlement Facility and Fund Distribution Agreement. He dismissed on the basis of the same reason of SF-DCT.

II. ARGUMENT

Subsection (b) (ii), Section 6.04(Silicone Material Claimants and Participating Foreign Gel Claimants), Article VI(Settlement Option of Dow Corning Settlement Program and Claims Resolution Procedures[Annex A to Settlement Facility and Fund Distribution Agreement]) wrote,

(ii) the Claimant must submit Proof of Manufacturer of a Qualified Implant Implanted after January 1, 1976 and before January 1, 1992.

This limitation on the period of implantation, however, has no basis for justification. It can be assumed by the Claimants that the Manufacturer of either Mentor, Bioplasty or CUI stopped manufacturing after January 1, 1992. Notwithstanding manufacturing, there must be transportation for the Claimants to be implanted at a hospital. Any goods require a period of transportation to be distributed to the consumers.

The Korean Claimants must have waited for arrival of the implant by way of either airplane or vessel from the manufacturing site in the United States. It resulted in surpassing the deadline for implantation under Claims Resolution Procedures, which is January 1, 1992. Even when the implant arrived, there must have been a more time required for distribution channels within the territory.

All of the Claimants who filed this Motion received implantation of the covered implant between 1992 and 1994.

Furthermore, there is no basis for justification for discriminating the Claimants who received the implantation after January 1, 1992. The Claimants received the implantation by the implant which was manufactured by the same manufacturers as the ones of the Claimants who received implantation before January 1, 1992.

In addition, the Claimants did not fail to submit the necessary documents for proving the claims to SF-DCT pursuant to the Plan of Reorganization of Dow Corning Company.

There is no basis for discrimination for the Claimants who ran the deadline.

III. CONCLUSION

Therefore, the above seventy one(71) Korean Claimants, who were classified as Class 7 Claimants by SF-DCT, request the Court to extend the deadline for implantation for eligibility of the benefits of Class 7 up to January 1, 1995 or the date that the Court believes appropriate.

Date: March 7, 2014

Respectfully submitted,

(signed) Yeon Ho Kim

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For the above Korean Claimants

CERTIFICATE OF SERVICE

I hereby certify that on March 7,2014, this Motion has been electronically filed with the Clerk of Court using ECF system, and same has been sent via e-mail to the following parties.

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