

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

IN RE	§	CASE NO: 00-CV-00005-DT
	§	
DOW CORNING CORPORATION,	§	(Settlement Facility Matters)
	§	
Reorganized Debtor	§	
	§	Hon. Denise Page Hood

**SUPPLEMENTAL DECLARATION OF ELLEN BEARICKS REGARDING
FINANCE COMMITTEE’S MOTION FOR ENTRY OF AN ORDER TO
SHOW CAUSE WITH RESPECT TO YEON HO KIM**

I, Ellen Bearicks, declare the following based on my personal knowledge and recollection and review of certain data and documents:

1. I am the Quality Control Supervisor at the Settlement Facility-Dow Corning Trust (“SF-DCT”). In this position, I am responsible for assuring that Claims are processed accurately and in accordance with SF-DCT’s Claims Resolution Procedures. I am also responsible for detecting and preventing fraud and abuse of the Claims Resolution Procedures. I have held this position since 2005. Prior to 2005, I was SF-DCT’s Assistant Claims Operations Manager.

2. As part of my responsibilities, I send and receive correspondence with Attorneys of Record for Claimants regarding approved Claim payments for their clients and other issues related to distribution of Claim payments.

3. Mr. Yeon Ho Kim is the Attorney of Record for a large number of Claimants who reside in Korea (“Korean Claimants”). Mr. Kim provided to SF-DCT the mailing addresses of his clients. I have personal knowledge of Claim payments sent to Mr. Kim for distribution to the Korean Claimants. I am also familiar with correspondence sent from the SF-DCT directly to the Korean Claimants.

4. I also have reviewed and am familiar with the Finance Committee’s Motion for Entry of An Order to Show Cause with Respect to Yeon Ho Kim, Mr.

Kim's Response to the aforementioned Motion, and the exhibits filed with both pleadings.

5. Pursuant to SF-DCT Claim Resolution procedures, Claim payment checks for Claimants represented by Mr. Kim were sent to Mr. Kim's law office in Seoul, Korea. Claim award notification letters were mailed directly to the Claimants at the addresses provided by Mr. Kim to advise them that their Claims had been approved and that Claim payments had been issued.

6. As part of my responsibilities, I occasionally speak with Claimants regarding issues related to their claims payments. The SF-DCT's staff creates and maintains call notes from telephonic contacts with Claimants in the ordinary course of business. The notes are maintained in the SF-DCT's database.

7. On February 15, 2018, Claimant SID 6460319 contacted the SF-DCT and spoke with Schila Washington. The Claimant wanted to know the status of her claim. She advised that she was told by her attorney, Yeon-Ho Kim, that she did not have a case and that she would not receive payment. Ms. Washington explained to the Claimant that her disease claim was approved and payment was sent in 2015. The Claimant indicated that she had no idea about the payment and that she had not received anything from Mr. Kim. *See* Exh. 1. Ms. Washington notified me of the situation and I placed a follow-up call to the Claimant.

8. The Claimant also told me that when she last spoke to Mr. Kim he told her that she would not receive payment. *See* Exh. 1. She also stated that she had not received anything from Mr. Kim. *Id.* Claimant further indicated that she no longer lives at the address noted in SF-DCT's file, and that she did not receive a copy of the award notification letter that was sent to her in 2015. *Id.*

9. Ms. Washington and I recorded notes from the calls with Claimant in our database. Exhibit 1 is a true and accurate print-out of the call notes maintained in the SF-DCT's database.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 20 day of March, 2018.


Ellen Bearicks