

# **Exhibit K**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

SETTLEMENT FACILITY DOW  
CORNING TRUST

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Case No. 00-CV-00005  
(Settlement Facility Matters)

Hon. Denise Page Hood

DECLARATION OF ELLEN BEARICKS REGARDING THE  
MOTION FOR EXTENSION OF DEADLINE FOR FILING CLAIM

I, Ellen Bearicks, declare as follows based upon my recollection and review of certain data and documents:

1. I am the head of Quality Management for the Settlement Facility-Dow Corning Trust (“SF-DCT”).
2. I have knowledge of past and present procedures implemented to process the Settling Breast Implant Claims in accordance with the terms of the Settlement Facility and Fund Distribution Agreement (“SFA”) and the Claims Resolution Procedures (“Annex A to the SFA”).
3. As the head of Quality Management, my responsibilities include: conducting audits of benefit claim review procedures and outcomes to confirm adherence to and compliance with the requirements of Annex A; conducting audits of proof of manufacturer submissions to assure consistency of outcome, adherence to and compliance with the requirements of Annex A; evaluation of claim submissions to identify potential fraud or abuse in the claim submission; drafting and issuing notices to claimants and attorneys identifying and explaining deficiencies in claim submission including inconsistencies in submissions; drafting and issuing notices to claimants and attorneys advising of submission deadlines, and deadlines for correction of deficiencies.

4. As the head of Quality Management, I have knowledge of all notices and information posted by the SF-DCT and all notices, letters, and information sent to attorneys of record regarding issues relating to notice, deadlines, and all matters related to assuring the validity of claim submissions and compliance with the procedures, guidelines, and rules of the SF-DCT and of Annex A.
5. I have reviewed and am familiar with the Motion for Extension of Deadline for Filing Claim filed by Mr. Kim as counsel for certain Korean Claimants.
6. In my Quality Management role, I have been responsible for evaluating claims submitted by counsel for Korean Claimants to determine compliance with Annex A. I have drafted and distributed to counsel for Korean Claimants multiple notices and correspondence regarding deadlines, time limits for curing deficiencies, and deficiencies in claim submissions. I have also received multiple correspondence from counsel for Korean Claimants.
7. The SF-DCT posted the Notice of Termination of Settlement Program (“Notice”) on the SF-DCT website (attached hereto as Exhibit 1).
8. The SF-DCT maintains records that document all mailings to attorneys of record. I have reviewed these records and I have confirmed that the Notice was sent to Mr. Kim as counsel for the Korean Claimants in accordance with the Court’s directive on or about January 31, 2018. I do not have any record indicating that the Notice mailing was returned as undeliverable.
9. I have personally sent individual correspondence to counsel for Korean Claimants regarding the deadline for filing claims for benefits as set forth in Annex A. Attached hereto as Exhibit 2 is a true and correct copy of my letter of March 13, 2019 regarding “Specific Notice of June 3, 2019 Deadline.” The letter states, *inter alia*, that, “Claimants represented by you, have deficiencies that must be fixed on or before the June 3, 2019 deadline, or their claim(s) will be denied. Pursuant to the Notice of Termination of Settlement Program: ‘All claims, documents and submissions must be sent to the Settlement Facility on or before June 3, 2019 . . .’” The letter also stated: “Although you have received the Notice of Final Filing Deadline June 3, 2019, this letter is specific notice to you that your claimants with deficiencies as described above will be adversely affected if you fail to take action as required by the Notice and Closing Orders. All deficiencies must be resolved by the June 3, 2019 deadline or the claims will be denied.”

10. I have maintained records of all claim submissions and personally track submissions of the Korean Claimants. Based on my records, Mr. Kim as counsel for the Korean Claimants, submitted over 217 claims to the SF-DCT after the date Closing Order 1 was issued and by or on the June 3, 2019 deadline.

Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of February 2021.

/s/ Ellen Bearicks  
Ellen Bearicks

# Exhibit 1



**SETTLEMENT FACILITY**

**DOW CORNING TRUST**

**DOW CORNING BREAST IMPLANT CLAIMS**

**NOTICE OF TERMINATION OF SETTLEMENT PROGRAM,  
CLOSING OF SF-DCT OFFICES  
END OF PROCESSING OF BREAST IMPLANT CLAIMS,  
FINAL DEADLINE FOR ALL CLAIMS: JUNE 3, 2019**

**Please read carefully. This Notice affects your legal rights.**

The Settlement Facility – Dow Corning Trust (“SF-DCT” or Settlement Facility) is the claims office that processes and pays claims in the Dow Corning breast implant settlement. The Dow Corning Plan provides that the settlement program will terminate after 15 years which means that the program will conclude on June 3, 2019. All claims, documents, and submissions must be sent to the Settlement Facility on or before **June 3, 2019**. They must be postmarked on or before **June 3, 2019 or they will not be considered**. There will be no extensions.

You may receive or may have previously received a letter from the Settlement Facility giving you a deadline to cure deficiencies in a claim. The June 3, 2019 final deadline DOES NOT CHANGE any deadline in a letter from the Settlement Facility. If you have any questions about your deadline contact the Settlement Facility. If you do not comply with your deadline, your claim will be denied.

Go to the SF-DCT website or contact the Settlement Facility for information about your claim and rights. The Settlement Facility has posted a Notice with details about: how to apply for either the Expedited Release or Disease Payment, how to apply for an Increased Severity disease claim, how to submit an appeal to the Claims Administrator and Appeals Judge, and how to get claim forms and other information to help you file a claim. All documents and forms are on the websites below or call the Settlement Facility to get any form or document mailed to you. Please keep your address current.

**Settlement Facility Contact Information:**

Phone: 1-866-874-6099

Email: [info@sfdct.com](mailto:info@sfdct.com)

Website: [www.sfdct.com](http://www.sfdct.com) or [www.dcsettlement.com](http://www.dcsettlement.com)

Mailing address: Settlement Facility, P.O. Box 52429, Houston, TX 77052-2429

**Claimants’ Advisory Committee Contact Information:**

Phone: 419-394-0717

Email: [info@tortcomm.org](mailto:info@tortcomm.org)

Website: [www.tortcomm.org](http://www.tortcomm.org)

Facebook: Claimants’ Advisory Committee, Dow Corning Breast Implant Claims

**FINAL DEADLINE: JUNE 3, 2019. NO EXTENSIONS.**

**You may request a translated copy of this Notice by sending an email to [info@sfdct.com](mailto:info@sfdct.com) or in writing to SFDCT, P. O. Box 52429, Houston, Texas 77052**

이메일([info@sfdct.com](mailto:info@sfdct.com))이나 우편(주소: SFDCT, P. O. Box 52429, Houston, Texas 77052)으로 본 통지서의 번역본을 요청할 수 있습니다.

Vous pouvez demander une traduction de cet avis en envoyant un courriel à [info@sfdct.com](mailto:info@sfdct.com) ou en écrivant à SFDCT, P. O. Box 52429, Houston, Texas 77052, USA.

Usted puede solicitar una traducción de este Aviso enviando un correo electrónico a [info@sfdct.com](mailto:info@sfdct.com) o una carta a: SFDCT, P. O. Box 52429, Houston, Texas 77052, USA.

Sie können eine übersetzte Kopie dieser Benachrichtigung bestellen, indem Sie entweder eine E-mail an [info@sfdct.com](mailto:info@sfdct.com) schicken oder einen Brief an SFDCT, P.O. Box 52429, Houston, Texas 77052, USA schreiben.

U kunt de vertaling van deze mededeling opvragen door een e-mail te sturen naar: [info@sfdct.com](mailto:info@sfdct.com) of een brief naar: SFDCT, P. O. Box 52429, Houston, Texas 77052, USA.

Você pode solicitar uma cópia traduzida desta Notificação enviando um e-mail para [info@sfdct.com](mailto:info@sfdct.com) ou escrevendo para SFDCT, P. O. Box 52429, Houston, Texas 77052, USA.

# Exhibit 2





P.O. Box 52429  
Houston, Texas 77052

Telephone 713.874.6099  
866.874.6099

KIM YEON-HO INTL LAW OFFICES  
STE 4105 KOREA WORLD TRADE CTR BLDG  
159-1 SAMSUNG-DONG KANGNAM-KU  
SEOUL  
REPUBLIC OF KOREA

**Re: Specific Notice of June 3, 2019 Deadline**

Dear Mr. Kim,

Claimants represented by you, have deficiencies that must be fixed on or before the **June 3, 2019 deadline**, or their claim(s) will be denied. Pursuant to the Notice of Termination of Settlement Program: “All claims, documents and submissions must be sent to the Settlement Facility on or before June 3, 2019”, Questions and Answers Regarding the Final Deadline: Q2(2) “If you previously filed a claim with the Settlement Facility and received a letter telling you that you must fix something about that claim before you can be paid, you must submit the documents that fix those problems on or before June 3, 2019...or the claim will be denied and you will not receive a payment on that claim”, and Closing Order #1, Paragraph 13: “To be considered by the SF-DCT, any previous requests to claimants by the SF-DCT for documentation must be submitted by June 3, 2019.” **There will be no exceptions or extension** of the June 3, 2019 deadline.

You have returned Expedited Release checks without providing additional instructions. The SF-DCT has sent you written notices acknowledging return of those checks (a sample copy of the letters previously sent is attached) You have the following options for each claimant; however, you must take action on or before June 3, 2019:

1. File an Error Correction request. However, you may not submit additional medical records or request a deadline extension with an Error Correction request.
2. Apply for a new disease or condition that manifested after the expiration of the ACTD cure deadline which has expired for each claimant.
3. Request the return of the original Expedited Release Payment

The SF-DCT previously sent you letters requesting an updated address for claimants with an eligible payment, whose mail was returned to the SF-DCT by the Postal Service(a sample copy of the letter previously sent is attached). Without an updated address (by June 3, 2019) these claims will not be issued any payments for which they may be eligible.

Based on mailing recommendations for Mailing to Korea, Republic of (South Korea), described by the US Postal Service, it appears likely, that certain addresses provided by you are insufficient to ensure mail delivery to the Claimants. As a result, and in order to be acceptable, you must provide addresses in the format as recommended by the US Postal Service, under Conditions for Mailing – Korea, Republic of (South Korea).

