

# **EXHIBIT**

# **G**

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 VACATING DECISION OF SETTLEMENT  
FACILITY REGARDING ADDRESS UPDATE/VERIFICATION

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; verifying and confirming address information and tracking contacts and address data to identify inconsistent or invalid addresses.

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. In my role as head of Quality Management, I have knowledge of all Orders issued by the Court that pertain to the administration and payment of claims submitted to the SF-DCT including Closing Order 2.

6. The SF-DCT website provides a series of Claimant Information Guides (CIGs). Copies of excerpts of the CIGs for Classes 5, 6.1 and 6.2 are attached hereto as Exhibits 1, 2, and 3, respectively, and are also available at [https://www.sfdct.com/\\_sfdct/index.cfm/how-to-file-a-claim-for-benefits/claimant-information-guide-cig-by-class](https://www.sfdct.com/_sfdct/index.cfm/how-to-file-a-claim-for-benefits/claimant-information-guide-cig-by-class).

7. The initial Claimant Information Guides were published and made available to claimants and attorneys before the Effective Date – at the outset of the settlement program. The Claimant Information Guides provide information to claimants about substantive requirements for claims submissions and directions to claimants about communications with the SF-DCT. In particular, the Claimant Information Guides inform claimants and attorneys that “[y]ou have an affirmative obligation to update your address with the Settlement Facility” and that it “is your responsibility to notify the Settlement Faculty of any address change.” CIGs Q9-14, 9-15.

8. Routine communications of the SF-DCT throughout its operations have reminded claimants and attorneys of the requirement to provide current, updated address information to the SF-DCT.

9. I have reviewed and am familiar with the Motion for Vacating Decision of Settlement Facility Regarding Address Update/Confirmation (“Motion for Vacating”).

10. In my Quality Management role, I have been responsible for tracking mailings to Claimants and counsel, including Korean Claimants and counsel for Korean Claimants and for confirming the validity of addresses for Korean Claimants. I have tracked various mailings to Korean Claimants and have also tracked the number of mailings returned as undeliverable. I maintain tracking data so that I can identify addresses that cannot qualify as a confirmed current address.

11. In my Quality Management role, I maintain tracking data on all mailings to all claimants and the percentage of mailings that are returned as undeliverable.

12. The SF-DCT has the obligation under the SFA and Annex A to the SFA to implement procedures to ensure distribution of Settlement Fund assets only in accordance with the terms of the SFA and applicable Orders. The procedures implemented by the SF-DCT to track claimant addresses are intended to assure that eligible claimants receive their payments.

13. During the course of its operations, the SF-DCT has sent numerous directives and correspondence to attorneys and claimants reminding them of the obligation to provide the SF-DCT with address updates and seeking to confirm address information.

14. The SF-DCT has employed multiple different procedures to confirm addresses and to determine which addresses are no longer valid.

15. In some instances, the SF-DCT conducted its address verification through a mass mailing – identifying the mail that was returned as undeliverable and then taking steps to locate those claimants.

16. In other cases, the SF-DCT has conducted more targeted mailing to individuals and law firms.

17. Once the SF-DCT determines that an address is not valid – primarily because mail is returned as undeliverable, the SF-DCT researches available databases in an effort to locate claimants.

18. If that research yields a “lead” then the SF-DCT will send an address verification mailing to that newly identified address.

19. The address verification mailing asks the claimant to contact the SF-DCT either in writing or by telephone to confirm the current address.

20. In addition, whenever a SF-DCT staff member speaks to a claimant by telephone, the standard procedure is to ask for address verification on that call.

21. The SF-DCT documents verification of confirmed current address information – either confirming the address already on file or updating the address in light of the information received from the claimant.

22. Thousands of claimants and hundreds of attorneys of record have complied with SF-DCT’s address update requests.

23. Although the SF-DCT will accept address information provided by counsel, the best source of a claimant’s current address is the claimant herself. The SF-DCT will not accept address information provided by counsel where previous experience demonstrates that the address information cannot be considered reliable.

24. The SF-DCT does not accept address information provided by an attorney where it is inconsistent with address information provided by the claimant. The SF-DCT does not accept address information from counsel where previous address submissions from counsel have proved to be invalid and more than a negligible percentage of mail sent to addresses provided by counsel has been returned as undeliverable.

25. I am familiar with Closing Order 2 and am responsible for assuring that its terms are implemented at the SF-DCT.

26. Closing Order 2 requires the SF-DCT to verify addresses before checks are issued. This procedure helps the SF-DCT to assure that claimants receive their payments and reduces the number of instances where a check cannot be delivered to a claimant.

27. Currently, in conformance with Closing Order 2, the SF-DCT conducts address verifications to confirm current address before issuing any payments to claimants. In addition, the SF-DCT does not begin processing claims where the SF-DCT has previously sent mail to that claimant and the mail has been returned as undeliverable.

28. To be considered a confirmed current address by the SF-DCT, the address must have been verified as a mailing address where the claimant or authorized payee is receiving mail so that the SF-DCT can assure that the claimant or authorized payee will actually receive the mailed check, and the address must have been confirmed within 90 days of a payment date.

29. The SF-DCT requires only that the claimant confirm a mailing address where the claimant may be reached: the address need not be the home address that the claimant shares with a family.

30. The claimant also has the option of providing the address verification for a confirmed current address through email or by telephone.

31. The SF-DCT has received claims from over 65,000 individuals. The SF-DCT does not have email addresses for all these individuals.

32. The SF-DCT has issued numerous mailings specifically to Korean Claimants in an effort to confirm addresses or determine whether an address previously provided is no longer applicable.

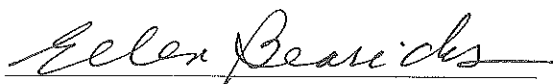
33. From 2009 to 2020, the SF-DCT sent 1,839 requests for address verification to Korean Claimants eligible for a future payment.

34. The SF-DCT's records show that prior address updates provided by counsel for Korean Claimants have not proven to be accurate.

35. Starting in November 2019, the SF-DCT paid a 50% Partial Premium Payment for Korean Claimants who contacted the SF-DCT to confirm their current address. Of the 30 payments sent to counsel for Korean Claimants on behalf of the 27 claimants, one payment was cashed. The other 29 payments were not cashed by the time the checks expired.

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

Executed this 26th day of February 2021.

A handwritten signature in cursive script that reads "Ellen Bearicks". The signature is written in black ink and is positioned above a horizontal line.

Ellen Bearicks

# **Exhibit 1**



# CLAIMANT INFORMATION GUIDE

DOW CORNING BREAST IMPLANT CLAIMANTS  
(CLASS 5)

**CLAIMANT INFORMATION GUIDE**  
**DOW CORNING BREAST IMPLANT CLAIMANTS**  
**(CLASS 5)**

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A note about the use of capitalized terms in this Claimant Information Guide:

When you see capitalized terms that are not otherwise defined, they have the meaning assigned to them in the following documents in the following order:

1. Amended Joint Plan
  2. Amended Disclosure Statement
  3. Dow Corning Settlement Program and Claims Resolution Procedures
  4. Funding Payment Agreement
  5. Litigation Facility, Inc. Agreement (this document and the preceding ones in this list are collectively referred to as the "Plan Documents")
  6. Bankruptcy Code
- 

Contact us at:

Settlement Facility-Dow Corning Trust  
P.O. Box 52429  
Houston, Texas 77052  
(Toll Free) 1-866-874-6099

[www.dcsettlement.com](http://www.dcsettlement.com)

December 2002

This "Claimant Information Guide" was produced by the office of the Settlement Facility-Dow Corning Trust. The information contained in this Claimant Information Guide is intended to summarize the information contained in the Plan Documents. Any conflicts between the information in this Claimant Information Guide shall be controlled by the provisions in the Plan Documents in the order reflected on the cover sheet.

This Claimant Information Guide may be copied freely without amendment or deletion.

The Settlement Facility reserves the right to make changes to the Claimant Information Guide without notice.

Date of publication: December 2002

**CLAIMANT INFORMATION GUIDE**

**DOW CORNING BREAST IMPLANT CLAIMANTS (CLASS 5)**

This “Claimant Information Guide” provides the most current information about the Settlement Options and criteria for receiving payment for Dow Corning breast implant claimants (Class 5). Please use only these materials when you complete your Claim Forms.

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For assistance or questions call Toll Free at 1-866-874-6099 or go to [www.dcsettlement.com](http://www.dcsettlement.com).

Settlement Option	Time to correct problem
Explant	six (6) months from the date of the letter notifying you of the problem
Rupture	six (6) months from the date of the letter notifying you of the problem
Disease	one (1) year from the date of the letter notifying you of the problem
Expedited Release	You must correct the problem by fifteen (15) years after the Effective Date

**Q9-14. If I move and forget to notify the Settlement Facility in writing, my Notification of Status letter might take days or weeks to be forwarded to my new address. Will any of the time periods and deadlines be extended because of this?**

No, unless your move occurred close in time to the date of the Notification of Status letter in which case the Claims Administrator will review and make individual case determinations. It is your responsibility to notify the Settlement Facility of any address change.

**Q9-15. I moved and did not notify the Bankruptcy Court or Settlement Facility of my new address and I missed the deadline to file the Participation Form to elect to withdraw or litigate. Can I file it now?**

No. You have an affirmative obligation to update your address with the Settlement Facility and the Bankruptcy Court.

## SECTION 10 – CONTACT INFORMATION

**Q10-1. How can I contact the Settlement Facility with a question?**

Call 1-866-874-6099 Toll Free or send a question by e-mail to the Settlement Facility at [info@sfdct.com](mailto:info@sfdct.com).

**Q10-2. What is the mailing address of the Settlement Facility?**

All Claim Forms and correspondence to the Settlement Facility should be sent to the following address:

Settlement Facility-Dow Corning Trust  
 P.O. Box 52429  
 Houston, TX 77052-2429

For overnight delivery address, use:  
 Settlement Facility-Dow Corning Trust  
 3100 Main Street, Suite 700  
 Houston, TX 77002

*For assistance or questions call Toll Free at 1-866-874-6099 or go to [www.dcsettlement.com](http://www.dcsettlement.com).*

**Q10-3. Can I check the status of my claim on the Settlement Facility website?**

No. As of the date of the publication of this Claimant Information Guide, the Settlement Facility's website did not permit the checking of individual claims. However, the Settlement Facility hopes to make that service available. Please check our website at [www.dcsettlement.com](http://www.dcsettlement.com).

**Q10-4. Can I e-mail my completed Claim Forms to the Settlement Facility?**

No.

**Q10-5. Can I fax my Claim Forms and documents to the Settlement Facility?**

No, unless you have received written permission from the Settlement Facility beforehand.

**Q10-6. How can I contact the Tort Claimants' Committee?**

The Tort Claimants' Committee ("TCC") has a website that you can visit at [www.tortcomm.org](http://www.tortcomm.org). You can also send them an e-mail at [info@tortcomm.org](mailto:info@tortcomm.org). If you do not have access to a computer or the Internet, you can write to the TCC at:

Tort Claimants' Committee  
P.O. Box 61406  
Houston, TX 77208-1406.

**Q10-7. Can I contact the Tort Claimants' Committee for legal assistance on my claim?**

No. The Tort Claimants' Committee cannot act as your attorney or advise you on your case or claim.

**Q10-8. I moved since I sent my proof of claim to the Bankruptcy Court. Can I e-mail my new address to you or give it to you over the telephone?**

No. Changes in address must be made in writing, signed by you or your attorney or representative. There is a place on your Claim Forms to indicate that your name, address or other personal information has changed since your last contact with the Bankruptcy Court or MDL Claims Office.

**Q10-9. I sent my Proof of Claim form to the Bankruptcy Court in 1997. I have since married and changed my name. How can I update my file with my new married name?**

Changes in name must be made in writing, signed by you or your attorney or representative. There is a place on your Claim Forms to indicate that your name, address or other personal information has changed since your last contact with the Bankruptcy Court or MDL Claims Office. If you have more than one (1) name change, please list all former names that are associated with your Social Security Number on a separate piece of paper and return this with your Participation Form or Claim Form.

For assistance or questions call *Toll Free* at 1-866-874-6099 or go to [www.dcsettlement.com](http://www.dcsettlement.com).

# **Exhibit 2**

# **CLAIMANT INFORMATION GUIDE**

DOW CORNING FOREIGN BREAST IMPLANT CLAIMANTS  
(CLASS 6.1)



**CLAIMANT INFORMATION GUIDE**  
**DOW CORNING BREAST IMPLANT CLAIMANTS**  
**(CLASS 6.1)**

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Date of publication: December 2002

**CLAIMANT INFORMATION GUIDE**

**DOW CORNING BREAST IMPLANT CLAIMANTS (CLASS 6.1)**

This "Claimant Information Guide" provides the most current information about the Settlement Options and criteria for receiving payment for Dow Corning breast implant claimants (Class 6.1). Please use only these materials when you complete your Claim Forms.

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U.S.A.

-OR-

Settlement Facility-Dow Corning Trust  
P. O. Box 94355  
1090 GJ Amsterdam  
The Netherlands

For overnight delivery address, use:  
Settlement Facility-Dow Corning Trust  
3100 Main Street, Suite 700  
Houston, TX 77002  
U.S.A.

**Q10-3. Can I check the status of my claim on the Settlement Facility website?**

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# **Exhibit 3**

# CLAIMANT INFORMATION GUIDE

DOW CORNING FOREIGN BREAST IMPLANT CLAIMANTS

(CLASS 6.2)

**OPTIONS 1, 2, 3 & 4**

**DOW CORNING BREAST IMPLANT CLAIMANTS (CLASS 6.2)**

This booklet contains Claimant Information Guides for Class 6, Options 1-4

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**CLAIMANT INFORMATION GUIDE**  
**DOW CORNING BREAST IMPLANT CLAIMANTS**  
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**CLAIMANT INFORMATION GUIDE**

**DOW CORNING BREAST IMPLANT CLAIMANTS (CLASS 6.2, OPTION 1)**

This "Claimant Information Guide" provides the most current information about the Settlement Options and criteria for receiving payment for Dow Corning breast implant claimants (Class 6.2, Option 1). Please use only these materials when you complete your Claim Forms.

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    EXCERPT FROM CONFIRMATION ORDER ..... TAB IV

    MEDICAL CONDITIONS AND CHARACTERISTICS, OUTLINE OF  
DEFINITIONS, AND CLASSIFICATION CRITERIA ..... TAB V

For assistance or questions call Toll Free at 1-866-874-6099 or go to www.dcsettlement.com.

**Q9-13. What are the deadlines to correct problems on my claim submission?**

If there is a problem with your claim, the Settlement Facility will inform you of the problem in writing. Depending on the type of claim you submitted, the deadline to correct the problem will differ. Review the chart below. If you do not correct the problem within the time frame allowed, then your claim will be denied, and you will not be able to recover payment for that Settlement Option. If you do not correct any problems with your disease claim within the time allowed, then you will be limited in the future to applying for a new compensable condition that manifests after the conclusion of the one (1) year period to cure the deficiency.

Settlement Option	Time to correct problem
Explant	six (6) months from the date of the letter notifying you of the problem
Rupture	six (6) months from the date of the letter notifying you of the problem
Disease	one (1) year from the date of the letter notifying you of the problem
Expedited Release	You must correct the problem by fifteen (15) years after the Effective Date

**Q9-14. If I move and forget to notify the Settlement Facility in writing, my Notification of Status letter might take days or weeks to be forwarded to my new address. Will any of the time periods and deadlines be extended because of this?**

No, unless your move occurred close in time to the date of the Notification of Status letter in which case the Claims Administrator will review and make individual case determinations. It is your responsibility to notify the Settlement Facility of any address change.

**Q9-15. I moved and did not notify the Bankruptcy Court or Settlement Facility of my new address and I missed the deadline to file the Participation Form to elect to withdraw or litigate. Can I file it now?**

No. You have an affirmative obligation to update your address with the Settlement Facility and the Bankruptcy Court.

**SECTION 10 – CONTACT INFORMATION****Q10-1. How can I contact the Settlement Facility with a question?**

Call Toll Free at 1-866-874-6099 or send a question by e-mail to the Settlement Facility at [info@sfdct.com](mailto:info@sfdct.com).

For assistance or questions call Toll Free at 1-866-874-6099 or go to [www.dcsettlement.com](http://www.dcsettlement.com).

**Q10-2. What is the mailing address of the Settlement Facility?**

All Claim Forms and correspondence to the Settlement Facility should be sent to the following address:

Settlement Facility-Dow Corning Trust  
P.O. Box 52429  
Houston, TX 77052-2429  
U.S.A.

-OR-

Settlement Facility-Dow Corning Trust  
P.O. Box 94355  
1090 GJ Amsterdam  
The Netherlands

For overnight delivery address, use:

Settlement Facility-Dow Corning Trust  
3100 Main Street, Suite 700  
Houston, TX 77002  
U.S.A.

**Q10-3. Can I check the status of my claim on the Settlement Facility website?**

No. As of the date of the publication of this Claimant Information Guide, the Settlement Facility's website did not permit the checking of individual claims. However, the Settlement Facility hopes to make that service available. Please check our website at [www.dcsettlement.com](http://www.dcsettlement.com).

**Q10-4. Can I e-mail my completed Claim Forms to the Settlement Facility?**

No.

**Q10-5. Can I fax my Claim Forms and documents to the Settlement Facility?**

No, unless you have received written permission from the Settlement Facility beforehand.

**Q10-6. How can I contact the Tort Claimants' Committee?**

The Tort Claimants' Committee ("TCC") has a website that you can visit at [www.tortcomm.org](http://www.tortcomm.org). You can also send them an e-mail at [info@tortcomm.org](mailto:info@tortcomm.org). If you do not have access to a computer or the Internet, you can write to the TCC at:

Tort Claimants' Committee  
P.O. Box 61406  
Houston, TX 77208-1406  
U.S.A.

**Q10-7. Can I contact the Tort Claimants' Committee for legal assistance on my claim?**

No. The Tort Claimants' Committee cannot act as your attorney or advise you on your case or claim.

*For assistance or questions call Toll Free at 1-866-874-6099 or go to [www.dcsettlement.com](http://www.dcsettlement.com).*

**Q10-8. I moved since I sent my proof of claim to the Bankruptcy Court. Can I e-mail my new address to you or give it to you over the telephone?**

No. Changes in address must be made in writing, signed by you or your attorney or representative. There is a place on your Claim Forms to indicate that your name, address or other personal information has changed since your last contact with the Bankruptcy Court or MDL Claims Office.

**Q10-9. I sent my Proof of Claim form to the Bankruptcy Court in 1997. I have since married and changed my name. How can I update my file with my new married name?**

Changes in name must be made in writing, signed by you or your attorney or representative. There is a place on your Claim Forms to indicate that your name, address or other personal information has changed since your last contact with the Bankruptcy Court or MDL Claims Office. If you have more than one (1) name change, please list all former names that are associated with your Social Security Number or Claim Number on a separate piece of paper and return this with your Participation Form or Claim Form.

## SECTION 11 – ATTORNEY FEES AND EXPENSES

**Q11-1. What attorney fees are allowed on my settlement benefits?**

Fees charged by an attorney cannot exceed the sum of —

1. 10% of the first \$10,000 (U.S.);
2. 22.5% of the next \$40,000 (U.S.); and
3. 30% of the amount in excess of \$50,000 (U.S.) paid.

**Q11-2. Are attorneys fees allowed on the \$1,750 (U.S.) Explant Payment or the \$3,000 (U.S.) Increased Explant Payment?**

No.

**Q11-3. Are attorneys fees allowed on the \$700 (U.S.) Expedited Release Payment?**

No, but certain expenses may be deducted as described in Q11-4.

**Q11-4. What expenses can my attorney deduct from any payments I receive from the Settlement Facility?**

Certain expenses — if allowable under applicable law and the individual arrangement between you and your attorney — can be charged against your payment if they are solely attributable to your claim or case. Chargeable expenses are limited to the following types of cost incurred on your behalf: medical evaluation expenses, expenses incurred in obtaining copies of your medical records, medical bills paid on your behalf, court costs, court reporter expenses, expert witness fees, expenses of medical witnesses, and travel costs incurred for depositions or court appearances in your case.

*For assistance or questions call Toll Free at 1-866-874-6099 or go to [www.dcsettlement.com](http://www.dcsettlement.com).*