

EXHIBIT

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EXHIBITS 2-11 TO BE FILED UNDER SEAL

**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 KIMBERLY SMITH-MAIR
REGARDING THE KOREAN CLAIMANTS MOTION
TO REOPEN TIME TO APPEAL CLOSING ORDER 5**

I, Kimberly Smith-Mair, declare as follows based upon my recollection and review of certain data and documents:

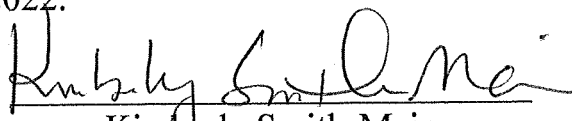
1. I am the Claims Administrator for the Settlement Facility-Dow Corning Trust (“Settlement Facility” or “SF-DCT”).
2. As Claims Administrator, I have knowledge of past and present procedures implemented to process the Settling Breast Implant Claims in accordance with the terms of the Settlement Facility and Fund Distribution Agreement (“SFA”) and the Claims Resolution Procedures (“Annex A” to the SFA).
3. As Claims Administrator, I have knowledge of all Orders issued by the Court that pertain to the administration and payment of claims submitted to the SF-DCT.
4. As Claims Administrator, I have knowledge of all notices and information posted by the SF-DCT and of notices, letters, and information sent to and received from 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 to Reopen Time to Appeal Closing Order 5 (“Motion to Reopen”) filed by Mr. Yeon-Ho Kim as counsel for certain Korean Claimants.
6. I am familiar the Court’s June 13, 2022 Closing Order 5, Notice that Certain Claims Without a Confirmed Current Address Shall be Closed and Establishing Protocols for Addressing Payments for Claimants in Bankruptcy, ECF No. 1642 (“Closing Order 5”).
7. The Settlement Facility provided notice on its website that the Court ordered that all claims will be denied and closed without payment if the SF-DCT did not receive a current address for the Claimant by September 17, 2022, and posted a list of the affected SID’s. Attached hereto as Exhibit 1 is a true and correct copy of a screenshot of the website home page accessed on September 27, 2022.
8. Other than counsel for Korean Claimants, I am not aware of any other lawyers who have disputed the obligation of the Settlement Facility to assure correct address information for claimants.
9. Through the course of its operations, the Settlement Facility has issued 4,114 payment checks that were not cashed. The primary reason these checks could not be cashed was because the claimant could not be located.
10. The Settlement Facility has expended thousands of hours tracking these checks, determining their ultimate disposition and then incurred over \$195,000 in banking costs to stop payment and record the status of such checks.
11. As Claims Administrator, I am also familiar with appeals filed by claimants. Under the Plan, appeals can be filed with the Claims Administrator and the Appeals Judge.
12. Attached hereto as Exhibit 2 is a true and correct copy of a January 25, 2021 Determination issued by Appeals Judge Pamela R. Harwood in File No. 20-402 concerning 43 claim appeals filed by counsel for the Korean Claimants.
13. Attached hereto as Exhibit 3 is a true and correct copy of a January 25, 2021 Determination issued by Appeals Judge Pamela R. Harwood in File No. 20-403 concerning 9 claim appeals filed by counsel for the Korean Claimants.

14. Attached hereto as Exhibit 4 is a true and correct copy of a January 25, 2021 Determination issued by Appeals Judge Pamela R. Harwood in File No. 20-404 concerning 5 claim appeals filed by counsel for the Korean Claimants.
15. Attached hereto as Exhibit 5 is a true and correct copy of a January 25, 2021 Determination issued by Appeals Judge Pamela R. Harwood in File No. 20-405 concerning 6 claim appeals filed by counsel for the Korean Claimants.
16. Attached hereto as Exhibit 6 is a true and correct copy of a January 25, 2021 Determination issued by Appeals Judge Pamela R. Harwood in File No. 20-406 concerning 5 claim appeals filed by counsel for the Korean Claimants.
17. Attached hereto as Exhibit 7 is a true and correct copy of a January 25, 2021 Determination issued by Appeals Judge Pamela R. Harwood in File No. 20-407 concerning 9 claim appeals filed by counsel for the Korean Claimants.
18. Attached hereto as Exhibit 8 is a true and correct copy of a January 25, 2021 Determination issued by Appeals Judge Pamela R. Harwood in File No. 20-408 concerning 13 claim appeals filed by counsel for the Korean Claimants.
19. Attached hereto as Exhibit 9 is a true and correct copy of a January 25, 2021 Determination issued by Appeals Judge Pamela R. Harwood in File No. 20-409 concerning 3 claim appeals filed by counsel for the Korean Claimants.
20. Attached hereto as Exhibit 10 is a true and correct copy of a January 25, 2021 Determination issued by Appeals Judge Pamela R. Harwood in File No. 20-410 concerning 2 claim appeals filed by counsel for the Korean Claimants.
21. Attached hereto as Exhibit 11 is a true and correct copy of a January 25, 2021 Determination issued by Appeals Judge Pamela R. Harwood in File No. 20-411 concerning 4 claim appeals filed by counsel for the Korean Claimants.

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

Executed this 26 day of September 2022.


Kimberly Smith-Mair

EXHIBIT

1



Breast Implant Settlement

SEARCH SITE

[Am I Eligible for Benefits? >>>](#)

[Filing for Benefits? >>>](#)

[Check MyStatus >>>](#)

Deadline to File has Expired

Proof of Manufacturer Forms

Disease/Expedited Release Forms

Deadlines

Payment Information

Court Orders

Plan Documents

Forms

IMMEDIATE ACTION REQUIRED
THE COURT HAS ORDERED THAT CLAIMS
WILL BE DENIED AND CLOSED
WITHOUT PAYMENT IF
THE SFDCT DOES NOT RECEIVE A
CURRENT ADDRESS FOR THE CLAIMANT
BY September 17, 2022
CHECK HERE TO SEE IF THIS ORDER
APPLIES TO YOU
{List of Affected SIDs}

Claims Assistance

Toll Free Number: 1 866 874-6099

Hours of Operation:
Monday through Thursday:
9:00 am – 4:00 pm Central Standard
Time

Friday:
9:00 am – 3:00 pm Central Standard
Time

News Update:

**SETTLEMENT FACILITY
SENDS SURVEY TO LAW
FIRMS REGARDING
UNCASHED OR UNCLAIMED
CLAIMANT PAYMENTS IN
THEIR POSSESSION**

File Copy Requests

**Level A Disability
Guidelines for Option 1
Increased Severity**

Closing Order 2

To be eligible for payment, your claim must meet the definition for eligible claims as set forth in Article V of Annex A. If your claim does not meet all of the listed criteria, you may not be eligible for payment.

Contact Us >>>
Contact the Claims Assistance Program.

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