

# **EXHIBIT**

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**Case No. 22-1753**

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In the United States Court of Appeals for the Sixth Circuit

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IN RE: SETTLEMENT DOW CORNING TRUST

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KOREAN CLAIMANTS  
*Interested Party – Appellant*

v.

CLAIMANTS’ ADVISORY COMMITTEE; DOW  
SILICONES CORPORATION; DEBTOR’S REPRESENTATIVES  
*Interested Parties – Appellees*

FINANCE COMMITTEE  
*Movant – Appellee*

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On Appeal from the United States District Court  
for the Eastern District of Michigan

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**DECLARATION OF KIMBERLY SMITH-MAIR  
REGARDING MOTION TO STAY**

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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 Stay filed by Mr. Yeon-Ho Kim as counsel for certain Korean Claimants.
6. I am familiar with the 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 1642, entered by the District Court on June 13, 2022 (“Closing Order 5”).
7. Pursuant to Closing Order 5, the Settlement Facility has posted on its website “a list of the SID numbers (claimant identification numbers) for those claimants who have been identified as having a “bad address” and those who have not responded to the verification mailing on or before the date that is four weeks after the mailing to those claimants.”
8. As of August 31, 2022, 33 Korean Claimants, including some claimants who were included in the list posted pursuant to Closing Order 5, have already provided their current contact information.
9. Pursuant to Closing Order 5, the deadline for claimants to respond is September 17, 2022 (the end of the 90-day period during which the list is maintained on the Settlement Facility’s website).
10. There has been no order of termination of the Settlement Facility at this point, and the Settlement Facility’s estimated schedule indicates that the point of termination will not be reached until late 2023 or early 2024.

11. The Settlement Facility's monthly administrative costs for staff and necessary expenses are approximately \$460,000.

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

Executed this sixth day of September 2022.

  
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Kimberly Smith-Mair