

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

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

**MOTION FOR ORDER TO CORRECT THE DISPOSITION OF THE SF-DCT  
REGARDING THE KOREAN CLAIMANTS**

I. Background

The 109 Korean Claimants filed the proof of manufacturer form around 2006. And they filed the disease payment claim form with no medical record attached around 2009.

The SF-DCT, after holding the Korean files for several years, sent the notification of status letter to the claimants, where the disease payment claim was not approved and the claimants were not eligible for the disease payment, in January 2015. The SF-DCT ordered the claimants in this letter that the deadline to cure the deficiencies in the disease payment claim should be within one year from the notice.

The SF-DCT sent the expedited payment (a 1200 dollar check) with the award letter to the claimants around 2018.

The claimants opposed to the expedited payment and returned the expedited payment

check to the SF-DCT in February 2019.

The SF-DCT sent the acknowledgement of returned expedited release payment letter indicating that the claimants could choose to “apply for a new disease or condition on or before June 3, 2019 that manifested after the expiration of the ACTD cure deadline date”.

The claimants filed the supplemental disease review form and the medical records that could prove for their disease payments on June 1, 2019.

The Claims Administrator denied the disease payment claim by saying that the cure deadline expired without relevant submissions to the SF-DCT in December 2020.

The claimants appealed from the decision of the Claims Administrator. The Appeals Judge affirmed the Claims Administrator’s decision by saying that the cure deadline expired without the required submissions in January 2023. (Other reason is not meaningful for this motion)

The Appeals Judge issued an order denying the claimants’ motion for reconsideration on October 25, 2023.

## II. Reasons for Relief

Since the SF-DCT has given an option for choosing an opportunity to file the disease payment claim even after the cure deadline expired to the claimants, the SF-DCT should have abided by the option.

If the SF-DCT did not want the claimants to continue filing their disease payment claim, the SF-DCT should not have sent the acknowledgement of returned expedited release

payment letter after the claimants returned the expedited payment check.

Both the Appeals Judge and the Claims Administrator declined the legitimate request for reviewing the disease payment claim. Their disposition as to the claimants was not just a mistake in interpreting the provisions or in finding a fact but the willful disregard and the breach to the SF-DCT's rules and practices so that this motion should be allowed even if the decision of the SF-DCT regarding an individual claim shall not be appealable to the court.

### III. Requested Relief

For the forgoing reasons, the 109 Korean Claimants request this court to grant this motion to overrule the decision of the SF-DCT to deny the disease payment claim and to process the review and issue the disease payment check.

Date: December 14, 2023

Respectfully submitted,

(signed) Yeon-Ho Kim  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2023, this motion has been electronically filed with the Clerk of Court using ECF system, and the same has been notified to all of the relevant parties of record.

Dated: December 14, 2023

Signed by Yeon-Ho Kim