

EXHIBIT 1

**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 HON. PAMELA R. HARWOOD IN SUPPORT OF
FINANCE COMMITTEE’S JOINDER IN THE RESPONSE OF DOW
SILICONES CORPORATION AND THE DEBTOR’S
REPRESENTATIVES TO MOTION OF CLAIMANT MAXINE
LOUISE SWAIM’S COUNSEL TO CLARIFY CLOSING ORDER 5’S
DEADLINE FOR QUALIFYING CLAIMANTS TO CONFIRM
ADDRESSES AND SUBMIT ESTATE DOCUMENTS (ECF NO. 1718)**

I, Pamela R. Harwood, declare as follows based upon my recollection and review of certain data and documents:

1. I am a member of the Finance Committee and the Appeals Judge for the Settlement Facility-Dow Corning Trust (“SF-DCT”).
2. As a Finance Committee Member, I have knowledge of all Orders issued by the court pertaining to procedures and processes related to the closing of the SF-DCT, known as “Closing Orders.” I have knowledge of *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”).
3. In compliance with Closing Order 5, the SF-DCT posted a list of the claimant identification numbers for those claimants who had been identified as having a “bad address” on its website on June 13, 2022.
4. When the list was posted, the Settlement Facility’s website advised that the final day to submit an address verification was September 17, 2022 (the end of the 90-day period during which the list is maintained on the SF-DCT’s website).

5. Following the passage of the September 17, 2022 deadline, Ernie Hornsby of the Claimants' Advisory Committee ("CAC") contacted me to request that the SF-DCT process the claim of a Weitz & Luxenberg client despite the fact that a verified address and probate documents had not been provided to the SF-DCT until September 19, 2022. Mr. Hornsby was advised that a second law firm had also filed claimant information on September 19, 2022 but had not requested an exception.
6. As part of the CAC's effort to convince the SF-DCT to process the claim for Weitz & Luxenberg's client, on November 3, 2022, Mr. Hornsby emailed me a draft pleading titled "Motion of Claimants' Advisory Committee to Clarify Closing Order 5 Deadline for Qualifying Claimants to Confirm Addresses" ("Draft Motion"). The Draft Motion included the signature block of Jeffrey Trachtman, attorney for the CAC.
7. Mr. Hornsby indicated to me that should the SF-DCT continue to refuse to process the claim of Weitz & Luxenberg's client (Ms. Swaim), the CAC would decide whether to file the Draft Motion with the Court. Mr. Hornsby and I had many conversations about the CAC's position to allow the law firm's late filing and the negative consequences that such an exception would cause. The Claims Administrator's decision to close Ms. Swaim's claim did not change. The CAC never filed the Draft Motion.
8. Months later, on May 30, 2023, Weitz & Luxenberg filed the Motion of Claimant Maxine Louise Swaim's Counsel to Clarify Closing Order 5's Deadline for Qualifying Claimants to Confirm Addresses and Submit Estate Documents, ECF No. 1718 ("Motion to Clarify Closing Order 5"). I compared the Draft Motion provided by Mr. Hornsby with Weitz & Luxenberg's Motion to Clarify Closing Order 5 and noticed that save for changing the title, substituting "CAC" with "counsel for Maxine Louise Swaim," and adding information specific to Ms. Swaim, the two motions are virtually identical; all nine pages, word for word, paragraph by paragraph.

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

Executed this 13th day of June 2023.



Hon. Pamela R. Harwood