

# EXHIBIT

## 7

**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  
IN SUPPORT OF THE MOTION TO TERMINATE FUNDING PURSUANT TO  
SECTION 2.01(C) OF THE FUNDING PAYMENT AGREEMENT AND TO  
TERMINATE THE SETTLEMENT FACILITY PURSUANT TO SECTION 10.03 OF  
THE SETTLEMENT FACILITY AND FUND DISTRIBUTION AGREEMENT**

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 the Amended Joint Plan of Reorganization of Dow Corning Corporation ("Plan"), the Plan Documents, including the Settlement Facility and Fund Distribution Agreement ("SFA") and the Claims Resolution Procedures ("Annex A" to the SFA), and of all Orders issued by the Court that pertain to the administration and payment of claims submitted to the SF-DCT.
- 3 As Claims Administrator, I have knowledge of the status of all claims submitted to the SF-DCT including the filings, the procedures for processing and resolving claims, and the final resolution of all claims.
- 4 As Claims Administrator, I have knowledge of the deadlines for the submission of claims, the procedures for issuing notification of status letters, the procedures for issuing payment checks, the procedures for determining the eligibility or ineligibility of claims, and the determination of claims that must be closed for lack of eligibility or failure to comply with the requirements for approval and/or payment of claims.
- 5 As Claims Administrator, I have knowledge of 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.

- 6 I have reviewed and am familiar with the Motion to Terminate Funding Pursuant to Section 2.01(c) of the Funding Payment Agreement and to Terminate the Settlement Facility Pursuant to Section 10.03 of the Settlement Facility and Fund Distribution Agreement.
- 7 I have reviewed the Settlement Facility records and I can confirm, based on those records, that (1) all Allowed Claims in each of Classes 5 through 10 and all other obligations of the Settlement Facility have been paid, (2) all Claims filed have been liquidated and paid or otherwise finally resolved, (3) no new timely Claims have been made against the Settlement Facility since June 3, 2019 – which was the final deadline for submission of Disease Claims, and (4) on February 5, 2005 the Settlement Facility mailed notices to 4,926 Class 12 physicians and Class 13 Health Care Providers. For purposes of this Declaration, the phrase “all other obligations of the Settlement Facility” includes payment of all Fundable Expenditures, which are basically administrative expenses of operations as authorized by the budget approved by the Court.
- 8 I, along with various staff and consultants, and in conjunction with Independent Assessor, conducted a due diligence process for the purpose of assuring that all timely claims in Classes 5, 6, 6.1, 6.2, 7, 9, 10, 10.1 and 10.2 have been processed and have received a notification of status letter as required by the SFA. Based on that process, I confirm that all eligible claimants who complied with the deadlines imposed by the Plan and procedures required by Court Order were sent a payment check. I note that some claimants did not cash their payment checks but such claimants were provided opportunities to seek a reissued check up until the deadline for reissuance imposed by Court Order.
- 9 The staff of the SF-DCT has already been reduced, further reductions are planned to occur at the end of 2024, and the SF-DCT’s office space lease was terminated at the end of June 2024.
- 10 Currently, the claims data is maintained in a cloud-based storage system, which requires maintenance and has a monthly cost. I will prepare a document memorializing the final resolution of each claim submitted to the SF-DCT and that document will be provided to the Court as part of a final report. Once that document is completed, there is no need to maintain the data in the cloud-based storage and it can be transferred to a hard drive – which will then eliminate the costs and personnel associated with maintaining the cloud based system.
- 11 I anticipate that it will take fewer than 90 days following entry of an Order terminating funding to substantially complete and terminate the Settlement Facility.
- 12 I also anticipate that the costs of completing and terminating the Trust within this 90 day period is within the amount remaining in the SF-DCT account if the Motion to Terminate is approved by the Court prior to the end of December 2024. If the Settlement Facility wind down activities extend beyond the end of March 2025, additional funding may be required.
- 13 The report prepared as part of the due diligence process undertaken by the Finance Committee, Claims Administrator and Plan Proponents shows that all claims in Class 5

and 6 have been addressed and resolved. The attached chart at Exhibit A shows the results of the due diligence review.

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

Executed this 15<sup>th</sup> day of November 2024.

  
Kimberly Smith-Mair

# Exhibit A



**Claim Categories for Class 5, 6.1 and 6.2****Summary Closing Categories Chart – Page 1 of 2**

Data as of March 31, 2024

Updates as of November 5, 2024

**CONFIDENTIAL**

Includes all Disease, Expedited, Rupture, and Explant benefit-level submissions/claims. Also includes submissions at the POC (proof of claim) level if no benefit-level claim form has been filed under that POC.

**All Benefit-Level Submissions/Claims in Classes 5, 6.1, and 6.2 in SAM**

246,949 (157,288)

**Notes:**

- 1) Claimant counts are provided in parentheses next to certain submission/claim counts
- 2) The Closed Categories are populated using a top down, or “waterfall” approach. That is, the submission/claim will reside in the first bucket for which it meets the criteria beginning at Bucket 1.
- 3) Closed Category descriptions are provided on the next page

**NOT STARTED**

0

Claims with reviews not started:

Disease Base: 0 No Change

Expedited: 0 No Change

Explant: 0 ±

Rupture: 0 No Change

**CLOSED (current/future Closed)**

126,303

- 1) No payment Issued by the Settlement Facility, OR
- 2) Payment issued by the Settlement Facility but payment never cleared (e.g. check was never cashed)

**PAYMENT CLEARED**

120,646

Payment issued by the Settlement Facility and payment cleared (e.g. check was cashed, funds were wired)

This category includes claims with a record of a cleared payment, including claims with cashed checks, wired funds (no check issued), or bank drafts.

Please note that this bucket contains claims with any record of a cleared payment including claims paid in error and claims in which the base payment clears but not subsequent payments (e.g. premium payment).

**Not Started**

Disease Increased  
Severity:  
0 - No Change

Closed  
Category 1

Participation  
Barred

14,489

Closed  
Category 2

Denied for  
Fraud

270

Closed  
Category 3

No Payment  
Required

252

Closed  
Category 4

Missing Form

65,975

Closed  
Category 5

Late  
Submission

734

Closed  
Category 6

Withdrawn at  
Benefit Level  
(not POC level)

35

Closed  
Category 7

Deficient

44,247

Closed  
Category 8

Returned or  
Stale Checks

301

**Claim Categories for Class 5, 6.1 and 6.2****CONFIDENTIAL****Summary Closing Categories Chart – Page 2 of 2**

Data as of March 31, 2024

Updates as of November 5, 2024

Closed Category 1: Participation Barred	This category includes submissions that are barred from participation at the Settlement Facility based on Eligibility Status. These include Assigned Claim, Australian, BC-Canadian, Conflicting Class, Disallowed by Court, Duplicate Class, Later Filer, Litigation Facility, Merged, Non-Recipient, ON-Canadian, Opt Out, PQ-Canadian, PWC Ineligible, Released Dow, and Withdrawn.
Closed Category 2: Denied for Fraud	This category includes claims that have been Denied for Fraud.
Closed Category 3: No Payment Required	This category includes: 1) Class 6.2 submissions associated to a claimant that already has a cleared payment for different Class 6.2 option; 2) Claims that would be eligible for payment if not for required deductions taken; 3) Released Dow at benefit level; 4) Previous “Pending Release” claimants who submitted Rupture and Explant forms but are not eligible for those payments (i.e. Paragraph 1 Claimants)
Closed Category 4: Missing Form	This category includes submissions that failed to submit a benefit-level claim form, POM form, or Election Form (if an “Ordered Late” claimant).
Closed Category 5: Late Submission	This category includes submissions that failed to submit a timely benefit-level claim form, election form, or POM form.
Closed Category 6: Withdrawn at Benefit Level (not POC level)	This category includes claims that have been withdrawn at the benefit level (but not at the POC level)
Closed Category 7: Deficient	This category includes claims that have one or more of the following: 1) failed to cure POM or claim deficiencies in a timely manner at the POM review or claim review stage (e.g. POM is not acceptable); 2) have non valid signatures on claim form; 3) all cure deadlines expired; 4) Final Determination Letter or other final status letter sent
Closed Category 8: Claims with Returned or Stale Checks	This category includes claims: 1) whose claimant/AOR returned the award check; 2) whose check was issued but went stale (claimant has 180 days to cash check) and claimant/AOR never requested a reissued check
In Progress Category: Temporarily In Progress	This temporary category includes submissions/claims that require additional action or processing at the SFDCT. There will not be any claims in this category once processing at the SFDCT has ceased. This category includes claims that are under appeal, have uncashed checks within 180 days, have bad addresses, and/or have payment exceptions (i.e. unacceptable probate documentation; missing SSN/ID; missing proof of residency; missing wire instructions needed for payment; have a country class conflict (i.e. claimant’s residence does not match her Class)).

**Other Definitions:**

**Submission:** All documents required to review the submission have NOT been timely submitted (i.e. missing one or more of the following: POM form, benefit-level claim form, and/or supporting documents)

**Claim:** All documents required to review the submission have been timely submitted (i.e. POM form, benefit-level form, and supporting documents)