

**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 OREDER TO ALLOW THE KOREAN CLAIMANTS TO FILE
EXHIBIT K REGARDING THE MOTION FOR ORDER TO CORRECT THE
DISPOSITION OF THE SF-DCT (ECF No.1752)**

The movant (“the Korean Claimants”) filed the motion for order to correct the disposition of the SF-DCT on December 15, 2023. (ECF No.1752)

The respondents filed the response on December 29, 2023. (ECF No.1754)

The movant filed the reply on January 2, 2024. (ECF No. 1755)

The respondents filed the motion for leave to file the sur-reply in further response and the sur-reply on January 12, 2024. (ECF No. 1756)

This court granted the motion for leave to file the sur-reply on January 26, 2024. (ECF No. 1761)

After being served with the sur-reply on January 12, 2024, the movant found the distortion for the facts from the declaration of Ms. Kimberly Smith-Mair, which was attached to the sur-reply as the Exhibit.

The movant wanted to impeach the statements in the declaration of Ms. Kimberly Smith-Mair. After collecting relevant documents for three weeks, the movant filed the Exhibit K, the declaration of representing attorney (“Yeon-Ho Kim”) with the attachments as exhibits on February 2, 2014. (ECF No. 1763)

All of the exhibits were either the letters received from the SF-DCT or the filings with the SF-DCT. Therefore the respondents would not have a burden to read although the exhibits were bulky because the SF-DCT had kept them.

The respondents filed, however, the notice of objection to the Exhibit K on March 6, 2024. (ECF No. 1766) The movant anticipated the respondents’ filing to impeach the statements of Yeon-Ho Kim in his declaration and to redirect the statements of Ms. Kimberly Smith-Mair through her second declaration.

Instead, the respondents filed the notice of objection seeking the removal from the docket on March 6, 2024. (ECF No. 1766) The respondents intended to block this court from looking into the Exhibit K of the movant.

Furthermore, the respondents pointed out in the notice that the movant should have sought leave to file first.

After researching the law regarding filing a supporting document, the movant found the Local Rules of the United States District Court for the Eastern District of Michigan.

Under section (g)(1) of LR 7.1, the assigned judge may specify the time within which the additional documents must be filed by entering an ex parte order prepared by the person making the request or approving a written stipulation when a written request states that the filing of additional affidavits or other documents in support or opposition is necessary.

From the Clause, the movant should have filed the motion to seek an order or submitted a written request to file the Exhibit K before the filing of February 2, 2024. (ECF No. 1763)

For the foregoing reasons, the movant files this motion to respectfully request this court for an ex parte order to allow the movant to file the Exhibit K.

Date: March 7, 2024

Respectfully submitted,

(signed) Yeon-Ho Kim
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	§	Honorable Denise Page Hood

_____ /

Proposed Order

It is Ordered that the Korean claimants' motion to allow to file the Exhibit K regarding their motion for Order to correct the disposition of the SF-DCT (ECF No.1752) is Granted.

S/DENISE PAGE HOOD
DENISE PAGE HOOD
United States District Judge

DATED:

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2024, 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: March 7, 2024

Signed by Yeon-Ho Kim