

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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

**RESPONSE TO MOTION FOR RECOGNITION
AND ENFORCEMENT OF MEDIATION**

COMES NOW The Settlement Facility-Dow Corning Trust Finance Committee (“Finance Committee”) respectfully submits this Response to the Korean Claimants’ Motion for Recognition and Enforcement of Mediation (Doc # 1271).

For the last thirteen (13) years, the Settlement Facility-Dow Corning Trust has been working on the resolution of the Korean Claimants. Notwithstanding extensive efforts to settle those claims as a group, no agreement was ever executed. Instead, the Korean Claimants have been processed individually in accordance with the Plan of Reorganization. As a result, the Motion for Recognition and Enforcement of Mediation should be denied.

There is extensive legal precedent that a mediation that does not result in a full agreement and an executed document cannot be enforced. *See Behrend v Comcast Corp.*, No. CIV. A. 03-6604, 2012 WL 445982, at *6-7 (E.D. Pa. Sept. 25, 2012). Under the Plan of Reorganization, there are no provisions for group settlements and, hence, a settlement cannot be achieved absent a plan modification. The vast bulk of the claims made by Korean claimants have been processed and paid, and a double payment to those individuals would be contrary to the Plan of Reorganization.

For the foregoing reasons, the Finance Committee respectfully requests that the Motion for Recognition and Enforcement of Mediation (Doc #1271) be denied.

Respectfully submitted,

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