

EXHIBIT 4

Motion Hearing Transcript excerpt, p. 21

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

SETTLEMENT FACILITY MATTERS Case No. 00-00005

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MOTION HEARING

BEFORE CHIEF JUDGE DENISE PAGE HOOD

231 W. LAFAYETTE ST. - COURTROOM 730

DETROIT, MI 48226

THURSDAY, MARCH 23, 2017

APPEARANCES:

ON BEHALF OF CLAIMANTS'

ADVISORY COMMITTEE: JEFFREY S. TRACHTMAN
KRAMER, LEVIN
1177 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

And

DIANNA PENDLETON-DOMINGUEZ
401 N. MAIN STREET
ST. MARYS, OH 45885

1 (APPEARANCES CONTINUED)

2 FOR THE CLAIMANTS'

3 ADVISORY COMMITTEE: ERNEST H. HORNSBY

4 FARMER, PRICE

5 100 ADRIS PLACE

6 P.O. DRAWER 2228

7 DOTHAN, AL 36302

8 ON BEHALF OF THE

9 FINANCE COMMITTEE: KARIMA G. MALONEY

10 SMYSER KAPLAN & VESELKA

11 700 LOUISIANA STREET

12 SUITE 2300

13 HOUSTON, TX 77002

14 ON BEHALF OF THE

15 DOW CORNING CORPORATION: DEBORAH E. GREENSPAN

16 BLANK ROME LLP

17 1825 EYE STREET, N.W.

18 WASHINGTON, DC 20006

19 ON BEHALF OF THE

20 KOREAN CLAIMANTS: YEON-HO KIM

21 INTERNATIONAL LAW OFFICE

22 159 SAMSUNG-DONG,

23 KANGNAM-KU

24 SUITE 4105, TRADE TOWER

25 SEOUL 99999 KOREA

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(APPEARANCES CONTINUED)

ALSO PRESENT:

- HON. PAMELA HARWOOD
- PROF. FRANCIS McGOVERN
- MS. SYBIL GOLDRICH
- MR. DAVID TENNANT
- MR. TIM JORDAN
- MR. DOUG SCHOTTINGER

1 We don't think that that needs to be adopted
2 as the formal test. It certainly is in the right
3 ballpark.

4 I mean, we think that there has to be a very
5 tiny risk left; that it's almost impossible.

6 We don't think we actually disagree with Dow
7 Corning and we don't think that it's useful for the
8 Court to adopt any of these other standards or tests as
9 the actual test because I think it actually creates an
10 appeal issue that is not necessary.

11 And we need to be faithful to the mandate of
12 the Sixth Circuit.

13 The Sixth Circuit didn't define it in great
14 detail but they told us it is a higher standard than
15 what was there before. And it is close to certain,
16 close to a guarantee.

17 And we think that the Court should not
18 approve these payments unless you agree with us that the
19 risk now is very farfetched and small.

20 It is a tiny risk. We think it is close to
21 impossible that this cap could be busted on this record
22 at this stage of the proceedings with this big a
23 cushion.

24 So we would just suggest that you apply the
25 words of the Sixth Circuit and --

1 C E R T I F I C A T I O N

2 I, CHERYL E. DANIEL, Official Federal Court
3 Reporter, after being first duly sworn, say that I
4 stenographically reported the foregoing proceedings held
5 on the day, date, time and place indicated. That I
6 caused those stenotype notes to be translated through
7 Computer Assisted Transcription and that these pages
8 constitute a true, full and complete transcription of
9 those stenotype notes to the best of my knowledge and
10 belief.

11 I further certify that I am not of counsel
12 nor have any interest in the foregoing proceedings.

13

14 /S/ CHERYL E. DANIEL

15 CHERYL E. DANIEL,

16 FEDERAL OFFICIAL COURT REPORTER

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18 DATED: March 30, 2017

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