

EXHIBIT 5

Motion Hearing Transcript excerpt, p. 80

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

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5 In Re:
6 SETTLEMENT FACILITY MATTERS Case No. 00-00005

7 _____/

8 MOTION HEARING
9 BEFORE CHIEF JUDGE DENISE PAGE HOOD
10 231 W. LAFAYETTE ST. - COURTROOM 730
11 DETROIT, MI 48226
12 THURSDAY, MARCH 23, 2017

13 APPEARANCES:

14 ON BEHALF OF CLAIMANTS'

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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 In fact, I think we all thought that there
2 would be a significant number of claims that would be
3 resolved through the expedited release payment process
4 which was originally set up to expire in the third year
5 of the program. And the idea there was that we would
6 clear out all these claims.

7 And if that had happened, we may be in a
8 very different situation today. We may have a very
9 small number of people left who could make disease
10 claims and we would be able to rely on some kind of
11 analysis projection because we would know the outside
12 limit of the value of these claims.

13 But that is not what's happened. What we
14 originally thought might happen, didn't happen, and we
15 should take that lesson to heart because what we think
16 might happen today, we can't foretell the future. We
17 don't know if that is going to happen. And we certainly
18 can't use, with this number of outstanding claims and
19 this much uncertainty and the inability of these experts
20 to say or to measure in any way the certainty in the
21 risk, I don't see how you can find that there is a
22 virtual guarantee.

23 I do want to talk briefly about the
24 methodology point that Mr. Trachtman raised.

25 He says that Mark Peterson says this is the

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
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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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