

**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. Denise Page Hood

**MOTION FOR EXCLUSION OF DOW CORNING CORPORATION, THE  
DEBTOR’S REPRESENTATIVES AND THE CLAIMANTS’ ADVISORY  
COMMITTEE FROM YEON HO KIM’S CROSS MOTION FOR ENTRY OF AN  
ORDER TO SHOW CAUSE WITH RESPECT TO THE FINANCE COMMITTEE**

Yeon Ho Kim, the attorney for the Korean Claimants, files this Motion for exclusion of Dow Corning Corporation, the Debtor’s Representatives and the Claimants’ Advisory Committee from the Yeon Ho Kim’s Cross Motion for entry of an order to show cause with respect to the Finance Committee.

On January 17, 2018, Yeon Ho Kim filed the Cross Motion to require the Finance Committee to show cause why the Finance Committee should not be sanctioned, held in contempt, and otherwise required to pay five million dollars to Yeon Ho Kim as a result of reaching to the settlement agreement with him.

On January 26, 2018, the Finance Committee filed the Response to Yeon Ho Kim’s Cross Motion for entry of an order to show cause with respect to the Finance Committee.

On January 28, 2018, Yeon Ho Kim filed the Reply to the Finance Committee’s Response

to the Yeon Ho Kim's Cross Motion for entry of an order to show cause with the respect to the Finance Committee.

And then, Dow Corning Corporation, the Debtor's Representatives and the Claimants' Advisory Committee, filed the Opposition to the Yeon Ho Kim's Cross Motion for entry of an order to show cause with respect to the Finance Committee.

However, Dow Corning Corporation, the Debtor's Representative and the Claimants' Advisory Committee should not be allowed to step into the Cross Motion.

First, Dow Corning Corporation, the Debtor's Representative and the Claimants' Advisory Committee are not requested to be sanctioned, held in contempt and otherwise required to pay five million dollars to Yeon Ho Kim. The Yeon Ho Kim's Cross Motion has no influence on them whether it is granted or not.

Second, their Opposition to the Yeon Ho Kim's Cross Motion is self-contradictory.

Dow Corning Corporation, the Debtor's Representative and the Claimants' Advisory Committee filed the Opposition to the Korean Claimants' Motion for Recognition and Enforcement of Settlement Agreement. In that Opposition, they admitted that they were unaware of that the Finance Committee proposed a mediation to settle the Korean Claims to Yeon Ho Kim. They also argued that the Dow Corning Amended Joint Plan of Reorganization did not permit bulk resolution of claims.

If it were true, the Finance Committee must have abused its power and authority by proposing mediation for bulk resolution of the Korean claims in contradiction with the Reorganization Plan. The acts of the Finance Committee should not be an inadvertent error but an intentional misdeed.

Therefore, Dow Corning Corporation, the Debtor's Representative and the Claimants' Advisory Committee should request this Court to sanction the Finance Committee because the Finance Committee violated the Reorganization Plan and the Finance Committee is a party under the Bankruptcy Code and Rules. On the contrary, they filed the Opposition to the Yeon Ho Kim's Cross Motion to rectify the Finance Committee's fault.

For the forgoing reasons, Yeon Ho Kim, the representative of the Korean Claimants, request this Court to GRANT this Motion to exclude Dow Corning, the Debtor's Representative and the Claimants' Advisory Committee from the Yeon Ho Kim's Cross Motion for Entry of an order to show cause with respect to the Finance Committee.

Date: February 3, 2018

Respectfully submitted,

(signed) Yeon Ho Kim

Yeon Ho Kim Int'l Law Office

Suite 4105, Trade Center Bldg.,

159 Samsung-dong, Kangnam-ku

Seoul 135-729 Korea

(822)551-1256

[yhkimlaw@unitel.co.kr](mailto:yhkimlaw@unitel.co.kr)

**CERTIFICATE OF SERVICE**

I hereby certify that on February 3, 2018, this Response to the 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: February 3, 2018

Signed by Yeon Ho Kim