

**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. Chief Judge Denise Page Hood

**RESPONSE OF YEON HO KIM REGARDING OERDER TO SHOW CAUSE**

**I. Response Regarding Order to Show Cause Related to Claim Funds for 88 Claimants**

Yeon Ho Kim distributed claim funds to 72 Claimants out of the 88 Claimants (Actually 87 Claimants because Claimants 81 and 82 is the same Claimant).

The table of the Claimants and the amount paid is as follows; (Exhibit A)

<b>Claimant</b>	<b>SID</b>	<b>Claim Payments</b>	<b>Payment Date</b>	<b>Payment Amount</b>	<b>Status</b>	<b>Amount Paid (\$1=1,050)</b>
Claimant 1	0735310	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 2	0735315	Disease	1/15/2015	\$3,500	<b>Unpaid</b>	
Claimant 3	1035526	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 4	1035535	Disease	11/24/2014	\$3,500	Paid	3,130,000
Claimant 5	1035553	Explant	10/23/2014	\$3,000	Paid	3,150,000
Claimant 6	1035568	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 7	1035573	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 8	1035599	Disease	11/24/2014	\$3,500	Paid	3,130,000
Claimant 9	1035613	Disease	12/18/2014	\$3,500	<b>Unpaid</b>	

Claimant 10	1035678	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 11	1035679	Disease	11/24/2014	\$3,500	Paid	3,130,000
Claimant 12	1035750	Disease	10/23/2014	\$3,500	Paid	3,130,000
Claimant 13	1035776	Disease	10/23/2014	\$3,500	Paid	3,130,000
Claimant 14	1035798	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 15	1035817	Disease	11/24/2015	\$7,000	<b>Unpaid</b>	
Claimant 16	1035862	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 17	1035866	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 18	1035869	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 19	1035882	Disease	11/24/2015	\$3,500	<b>Unpaid</b>	
Claimant 20	1035887	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 21	1035964	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 22	1035975	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 23	1036020	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 24	1036033	Disease	10/23/2014	\$3,500	Paid	3,130,000
Claimant 25	1036044	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 26	1036062	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 27	1036087	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 28	1036176	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 29	1036263	Disease	10/23/2014	\$3,500	Paid	3,130,000
Claimant 30	1036265	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 31	1036309	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 32	1036313	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 33	1036364	Disease	11/24/2014	\$3,500	Paid	3,130,000
Claimant 34	1036415	Disease	10/23/2014	\$3,500	Paid	3,130,000
Claimant 35	1036492	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 36	1036614	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 37	1036627	Disease	11/24/2014	\$3,500	<b>Unpaid</b>	
Claimant 38	1036653	Disease	10/23/2014	\$3,500	Paid	3,130,000
Claimant 39	1036706	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 40	1036713	Disease	11/24/2014	\$3,500	Paid	3,130,000
Claimant 41	1036776	Disease	12/18/2014	\$3,500	<b>Unpaid</b>	
Claimant 42	1036870	Disease	10/23/2014	\$3,500	Paid	3,130,000
Claimant 43	1036901	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 44	1036908	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 45	1036927	Disease	10/23/2014	\$3,500	Paid	3,130,000
Claimant 46	1036938	Disease	10/23/2014	\$3,500	Paid	3,130,000

Claimant 47	1036993	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 48	1037035	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 49	1037060	Disease	2/27/2015	\$10,000	Paid	8,930,000
Claimant 50	1037079	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 51	1037087	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 52	1037093	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 53	1038484	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 54	2746180	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 55	2783097	Disease	2/27/2015	\$3,500	<b>Unpaid</b>	
Claimant 56	2783311	Disease	2/27/2015	\$3,500	Paid	3,130,000
Claimant 57	2783386	Disease	2/27/2015	\$3,500	Paid	3,130,000
Claimant 58	2783563	Disease	2/27/2015	\$3,500	Paid	3,130,000
Claimant 59	2783642	Disease	2/27/2015	\$3,500	Paid	3,130,000
Claimant 60	2787316	Disease	2/27/2015	\$3,500	Paid	3,130,000
Claimant 61	6459176	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 62	6459701	Disease	11/24/2014	\$3,500	Paid	3,130,000
Claimant 63	6459778	Disease	10/23/2014	\$3,500	<b>Unpaid</b>	
Claimant 64	6461229	Disease	10/23/2014	\$3,500	Paid	3,130,000
Claimant 65	6461317	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 66	6461540	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 67	6461967	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 68	6473444	Rupture	11/24/2014	\$7,000	Paid	5,790,000
Claimant 69	6474567	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 70	6474668	Disease	12/18/2014	\$3,500	<b>Unpaid</b>	
Claimant 71	1035805	Disease	12/16/2016	\$6,000	<b>Unpaid</b>	
Claimant 72	1035871	Disease	12/16/2016	\$6,000	Paid	5,360,000
Claimant 73	1035888	Disease	12/16/2016	\$6,000	Paid	5,360,000
Claimant 74	1036361	Disease	12/16/2016	\$6,000	<b>Unpaid</b>	
Claimant 75	1036464	Disease	12/16/2016	\$6,000	<b>Unpaid</b>	
Claimant 76	1036709	Disease	12/16/2016	\$6,000	Paid	5,360,000
Claimant 77	1035583	Disease	12/16/2016	\$6,000	Paid	5,360,000
Claimant 78	1035671	Disease	12/16/2016	\$6,000	<b>Unpaid</b>	
Claimant 79	2783392	Disease	12/16/2016	\$6,000	<b>Unpaid</b>	
Claimant 80	2783395	Disease	12/16/2016	\$6,000	<b>Unpaid</b>	
Claimant 81	1036287	Explant	8/13/2009	\$3,000	Paid	3,150,000
Claimant 82	1036287	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 83	1036303	Explant	6/17/2009	\$3,000	Paid	3,150,000

	1036303	Rupture	6/17/2009	\$7,000	Paid	5,790,000
	1036303	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 84	1038480	Explant	3/30/2010	\$3,000	Paid	3,150,000
	1038480	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 85	2783569	Explant	12/16/2010	\$3,000	Paid	3,150,000
	2783569	Disease	2/27/2015	\$3,500	Paid	3,130,000
Claimant 86	6461865	Explant	8/13/2009	\$3,000	Paid	3,150,000
	6461865	Disease	12/18/2014	\$3,500	Paid	3,130,000
Claimant 87	6474810	Explant	4/27/2015	\$3,000	Paid	3,150,000
	6474810	Disease	4/27/2015	\$3,500	Paid	3,130,000
Claimant 88	6491601	Explant	1/30/2015	\$3,000	Paid	3,150,000
	6491601	Disease	12/18/2014	\$3,500	Paid	3,130,000

The unpaid 15 Claimants are being processed for distribution.

## **II. Response Regarding Order to Show Cause Related to Charging Claimants Excessive and Unauthorized Amounts in Fees and Expenses**

Yeon Ho Kim did not charge 38% to the 88 Claimants. Yeon Ho Kim charged ranging from 10% to 22.5% for attorneys' fees. Yeon Ho Kim charged only 5% for the expenses.

The applicable expenses for the other Claimants are various.

Yeon Ho Kim spent nearly a million dollars as chargeable expenses under Q11-4 to the Claimant Information Guide from 1994 to now.

Chargeable expenses under Q11-4 to the Claimant Information Guide are

medical evaluation expenses, expenses incurred in obtaining copies of medical records, medical bills paid, court costs, court reporter expenses, expert witness fees, expenses of medical witnesses, and travel costs incurred for depositions or court appearances.

First of all, Yeon Ho Kim spent over four hundred thousand dollars for travel costs. Yeon Ho Kim traveled to Alabama, Bay City, Detroit, New York, Washington DC, Houston nearly a hundred times from 1994 to now for court appearances including the Settlement Facility and mediation conference.

Before Confirmation hearing began, Yeon Ho Kim traveled to Alabama to meet lawyers for finding what was going on at the MDL-926 Court. Around beginning of confirmation hearing, Yeon Ho Kim traveled to New York to see a Claimants side lawyer, Mrs.Shainwald, for consulting for confirmation hearing many times. Barbara Houser, a leading Dow Corning side lawyer, called Yeon Ho Kim to visit her law firm in Houston to solicit that the Korean Claimants cast votes to consent the Proposed Dow Corning Reorganization Plan.

During confirmation hearing in Bay City, Yeon Ho Kim stayed there three month long in the year of 1999 alone.

After the case ended in December 1999 in Bay City and turned over to this Court, this Court would know how many times Yeon Ho Kim appeared before this Court.

From 2003 to 2011, Yeon Ho Kim visited the Settlement Facility in Houston many times.

Besides travel costs incurred for court appearances and for the Settlement Facility, Yeon Ho Kim hired local attorneys for the Claimants. Yeon Ho Kim hired a law firm in Bay City for preparation of confirmation hearing. Yeon Ho Kim hired a law firm in New York for objection to the Motion of Dow Silicones Corporation for approval of separate agreement with Australian Claimants to establish a settlement facility in Australia. Yeon Ho Kim had been requesting Dow Silicones Corporation to establish a settlement facility in Korea many times. Yeon Ho Kim spent over one hundred thousand dollars for hiring local attorneys for the Claimants.

Yeon Ho Kim spent mailing expenses via the Federal Express over the Claimants for 24 years from 1994 to 2018 (Yeon Ho Kim used the Federal Express only to submit claim forms for over 1,800 Claimants and correspondences with the Settlement Facility). Yeon Ho Kim spent the expenses for mailing nearly two hundred thousand dollars.

Yeon Ho Kim spent expenses for stationary and the photocopy for claims submission and subsequently exchanged correspondences for correction of submissions with the Settlement Facility about a hundred thousand dollars.

These expenses (nearly a million dollars) must be allocated proportionately

to the Claimants who received and would receive the checks.

In addition to these proportionately applicable expenses, there are medical expenses to be reimbursed from the respective Claimants.

Around 1997-1998, Dow Silicones Corporation mailed Yeon Ho Kim to urge the Claimants to explant breast implant because breast implant was dangerous to keep in the body. Yeon Ho Kim immediately distributed the News to the Claimants and arranged local plastic surgeons so that 200 Claimants ended up with explantation surgery of breast implant with no complete payments made to the surgeons. Yeon Ho Kim guaranteed the payment for surgery of explantation to the arranging surgeons. Yeon Ho Kim paid it later for the Claimants who did not pay for the surgery. These expenses for explanation must be reimbursed case by case from the respective Claimants.

In addition, Yeon Ho Kim contracted with two doctors (Doctor Yong Park, Doctor Kwan Sik Kim) to get disease evaluation for the Claimants. The two doctors were obliged to execute urine and blood test, radiation and mammogram pictures, and writing disease evaluation papers including asking each Claimant about disease conditions. Yeon Ho Kim guaranteed the disease evaluation expenses for the Claimants. The arrangement with the doctors was agreed by the Claimants. Some of Claimants paid for themselves. But there were over 300 Claimants who did not pay so Yeon Ho Kim paid it for them later. These expenses must be reimbursed case by case from the respective Claimants.

In the case of SID2783411 who submitted the Form of Compensation Payment Application to Ellen Bearicks, it turned out later that SID2783411 was not a case that the expenses for explantation surgery and disease evaluation should be applied. So Yeon Ho Kim charged 10% as attorneys' fees and remitted the rest of money to her US bank account.

When Yeon Ho Kim received a letter of Exhibit J from Ann Phillips, Yeon Ho Kim explained to the question relating to SID2783411. Yeon Ho Kim thought that a face to face meeting was desirable.

In addition, Yeon Ho Kim had inquiries to the Claims Administrator about the Korean Claims pending the Settlement Facility that Yeon Ho Kim never knew whether the remaining Claims with no notification received from the Settlement Facility were completed as "unapproved" or were still "pending" for review.

Yeon Ho Kim responded in Exhibit K letter. In the letter, Yeon Ho Kim reiterated, "Other than 10%, the remaining percentage (=38%-10%) was applied to the above expenses, If you want to know whether our law firm correctly applied the expenses to each client, I want to explain it in detail face to face".

The Claims Administrator did not reply to Exhibit K letter even if Yeon Ho Kim requested to visit the Settlement Facility and meet for explanation to her question and information for process of the Korean Claims. The Finance

Committee filed this Motion after nine months from the correspondence of Exhibit K letter.

### **III. CONCLUSION**

Yeon Ho Kim distributed claims funds of 72 Claimants out of the 88 Claimants.

With respect to attorneys' fees for Class 6.2 Claimants, Yeon Ho Kim deducted 10% of the first 3,500 dollars, 22.5% of the next 14,000 dollars.

And with respect to attorneys' fees for Class 6.1 Claimants (SID2783411), Yeon Ho deducted 10% of the first 6,000 dollars as attorneys' fees.

The additional percentage after deduction of 10% of attorneys' fees, if applied, is chargeable expenses authorized under Q11-4 to the Claimant Information Guide.

Date: March 20, 2018

Respectfully submitted,

(signed) Yeon Ho Kim

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 20, 2018, this Response to Order to Show Cause 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 20, 2018

Signed by Yeon Ho Kim