

Case No: 22-1771

United States Court of Appeals for the Sixth Circuit

In re: SETTLEMENT DOW CORNING TRUST

Debtor

KOREAN CLAIMANTS

Interested Parties - Appellant

v.

DOW SILICONES CORPORATION; DEBTOR'S REPRESENTATIVES;

CLAIMANTS' ADVISORY COMMITTEE

Interested Parties - Appellees

FINANCE COMMITTEE

Movant - Appellee

Motion for Order Eliminating Dow Corning Corporation and the Debtor's
Representatives from Appellee

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I. REASON FOR FILING

The Korean Claimants filed the Motion to Stay the Court's Ruling Granting the Finance Committee's Motion (RE1566) for Authorization to Make Second Priority Payments with the District Court on July 20, 2021. (RE1601, Pg ID:#28637-28642)

The Finance Committee filed the Response in Opposition to the Korean Claimants' Motion to Stay the Court's Ruling Granting the Finance Committee's Motion for Authorization to Make Second Priority Payments on August 3, 2021. (RE1613, Pg ID:#28679-28698) The Claimants' Advisory Committee filed the Response in Opposition to Korean Claimants' Motion to Stay the Court's Ruling Granting the Finance Committee's Motion for Authorization to Make Second Priority Payments Pending Appeal on August 3, 2021. (RE1614, Pg ID:#28699-28714)

Dow Corning Corporation and the Debtor's Representatives did not file a response because they were not a party in the case of the Motion for Stay filed by the Korean Claimants. Dow Corning Corporation and the Debtor's Representatives opposed (saying "*and respectfully submit that the Motion should be denied at this time*" RE1581 Pg ID:#26525) the Finance Committee's Motion for Authorization to Make Second Priority Payments.

The Korean Claimants filed the Response to the Finance Committee's Recommendation and Motion for Authorization to Make Second Priority Payments to object the Finance Committee's Motion. (RE1584 Pg ID:#26663-26934) The District Court granted the Finance Committee's Motion on June 24, 2021. (RE1607 Pg ID:#28602-28632)

The Korean Claimants filed the Notice of Appeal pending as Case No.21-2665. Dow Corning Corporation and the Debtor's Representatives filed the Notice of Appeal (Case No. 21-2788) and then filed a motion for voluntary dismissal and granted by this Court on June 29, 2021.

After granting the Finance Committee's Motion on June 24, 2021, the District Court denied the Korean Claimants' Motion to Stay the Court's Ruling Granting the Finance Committee's Motion for Authorization to Make Second Priority Payments pending appeal on August 12, 2022. (RE1651 Pg ID:#29345-29348)

The Korean Claimants filed the Notice of Appeal pending as Case No.22-1771.

The Korean Claimants filed the Appellant's Brief on September 28, 2022. The Claimants' Advisory Committee and the Finance Committee filed the Appellee's Brief on November 11, 2022.

Suddenly, Dow Corning Corporation and the Debtor's Representatives also filed the Appellee's Brief on November 9, 2022.

II. GROUNDS FOR RELIEF

Dow Corning Corporation and the Debtor's Representatives are not a party in the case of Motion for Stay filed by the Korean Claimants. It was why they did not file a response to the Korean Claimants' Motion for Stay with the District Court. Furthermore, they opposed the Finance Committee's Motion for Authorization to Make the Second Priority Payments just as the Korean Claimants.

When the Korean Claimants filed the Notice of Appeal to the District Court's Order Granting the Finance Committee's Motion, Dow Corning Corporation and the Debtor's Representatives even filed the Notice of Appeal. (and then, they voluntarily dismissed.)

Dow Corning Corporation and the Debtor's Representatives should not be allowed to act to oppose the Finance Committee's Motion and also to oppose the Korean Claimants' Motion to Stay the District Court's Ruling Granting the Finance Committee's Motion in this Court. Dow Corning Corporation and the Debtor's Representatives do not have a capacity as the Appellee in the Case

No.22-1771. Dow Corning Corporation and the Debtor's Representatives shall not unite with the other Appellees, the Finance Committee and the Claimants' Advisory Committee, against the Korean Claimants as to the Korean Claimants' Motion to Stay the District Court's Ruling Granting the Finance Committee's Motion for Authorization to Make the Second Priority Payments which they strongly opposed, pending this Court.

III. REQUESTED RELIEF

For the foregoing reasons, the Korean Claimants request that this Court Issue an order to Eliminate Dow Corning Corporation and the Debtor's Representatives from the Appellee's List of the Caption of Case No. 22-1771 and further Order not to Accept the Appellee's Brief that Dow Corning Corporation and the Debtor's Representatives filed on November 9, 2022.

Date: November 10, 2022

Respectfully submitted,



(signed by) Yeon-Ho Kim

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CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2022, I have electronically filed the above document with the Clerk of Court by ECF system that will notify to all relevant parties in the record.

A handwritten signature in black ink, appearing to read 'Yeon-Ho Kim', with a long horizontal flourish extending to the right.

Date: November 10, 2022

Signed by Yeon-Ho Kim