

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**In re:**

**SETTLEMENT FACILITY DOW  
CORNING TRUST**

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**Case No. 00-CV-00005  
(Settlement Facility Matters)**

**Hon. Denise Page Hood**

**DECLARATION OF KIMBERLY SMITH-MAIR  
IN SUPPORT OF MOTION TO ESTABLISH FINAL DISTRIBUTION  
DEADLINE REGARDING REPLACEMENT CHECKS FOR SETTLEMENT  
CLAIMS IN THE DOW CORNING SETTLEMENT**

I, Kimberly Smith-Mair, declare as follows based upon my recollection and review of certain data and documents:

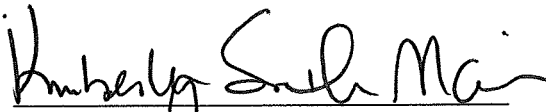
1. I am the Claims Administrator for the Settlement Facility-Dow Corning Trust (“Settlement Facility” or “SF-DCT”).
2. As Claims Administrator, I have knowledge of past and present procedures implemented to process the Settling Breast Implant Claims in accordance with the terms of the Settlement Facility and Fund Distribution Agreement (“SFA”) and the Claims Resolution Procedures (“Annex A” to the SFA).
3. As Claims Administrator, I have knowledge of all Orders issued by the Court that pertain to the administration and payment of claims submitted to the SF-DCT including Closing Order 2 (Regarding Additional Procedures For Incomplete And Late Claims; Protocols For Issuing Payments; Audits of Attorney Distributions Of Payments; Protocols For Return Of Undistributed Claimant Payment Funds; Guidelines For uncashed Checks And For Reissuance Of Checks; restrictions of Attorney Withdrawals), ECF No. 1482.
4. All checks issued by the Settlement Facility are valid and negotiable for 180 days after the date of issuance.

5. As Claims Administrator I have direct knowledge of the status of claims submitted to the Settlement Facility.
6. As of the date of this declaration, all claims that were timely submitted to the Settlement Facility have been processed.
7. As of the date of this declaration, the Settlement Facility is finalizing any payments that may still be due for the small number of remaining timely submitted claims and preparing to terminate the operations of the Settlement Facility.
8. In order to terminate the operations of the Settlement Facility it will be necessary to close all bank accounts. It is not possible to close bank accounts until all checks have either been cashed or expired.
9. As Claims Administrator, and as a member of the Finance Committee, I have knowledge of and access to information about uncashed checks and the procedures for requesting replacement checks.
10. I have compiled a complete list of all checks that have been issued for payment of claims in the settlement program and that expired without being cashed. There are 960 such checks. This list is current as of March 27, 2023.
11. Approximately 82% of these uncashed checks were issued before 2019.
12. In Closing Order 2, this Court directed that claimants who had failed to cash a check could request replacement checks until June 3, 2019. After that date, a claimant may only request a replacement check if the claimant passed away after the check was mailed or for good cause as determined by the Claims Administrator.
13. Closing Order 2 further states that any request for replacement checks in the above two circumstances must be made 30 days before the Final Distribution Deadline.

14. The Settlement Facility must pay a fee to stop payment on expired checks and must pay a fee to issue a replacement check.

Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 29<sup>th</sup> day of March 2023.

  
Kimberly Smith-Mair