

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

In re: §
§ **Case No. 00-CV-00005**
§ **(Settlement Facility Matters)**
SETTLEMENT FACILITY DOW §
CORNING TRUST §
§ **Hon. Denise Page Hood**
§

MOTION FOR LEAVE TO FILE SUR-REPLY IN FURTHER RESPONSE OF THE CLAIMANTS' ADVISORY COMMITTEE TO THE REPLY OF DOW SILICONES CORPORATION, THE DEBTOR'S REPRESENTATIVES, AND THE FINANCE COMMITTEE TO THE RESPONSE OF THE CLAIMANTS' ADVISORY COMMITTEE TO THE MOTION TO TERMINATE FUNDING PURSUANT TO SECTION 2.01(C) OF THE FUNDING PAYMENT AGREEMENT AND TO TERMINATE THE SETTLEMENT FACILITY PURSUANT TO SECTION 10.03 OF THE SETTLEMENT FACILITY AND FUND DISTRIBUTION AGREEMENT

The Claimants' Advisory Committee ("CAC") submits this Motion for Leave to File Sur-Reply in Further Response to the Reply of Dow Silicones Corporation, The Debtor's Representatives, and the Finance Committee To The

Response Of The Claimants' Advisory Committee To The Motion To Terminate Funding Pursuant To Section 2.01(C) Of The Funding Payment Agreement And To Terminate The Settlement Facility Pursuant To Section 10.03 of the Settlement Facility and Fund Distribution Agreement ("the Motion to Terminate"), Dec. 9, 2024, ECF #1809.

Background

1. Dow Silicones Corporation, the Debtor's Representatives, and the Finance Committee (collectively "the Movants") filed a The Motion To Terminate Funding Pursuant To Section 2.01(C) Of The Funding Payment Agreement And To Terminate The Settlement Facility Pursuant To Section 10.03 of the Settlement Facility and Fund Distribution Agreement ("the Motion to Terminate"), Nov. 15, 2024, ECF No. 1796.
2. The CAC filed a Response to the Motion on December 6, 2024, ECF No. 1806.
3. The Movants filed a Reply of Dow Silicones Corporation, The Debtor's Representatives, and the Finance Committee To The Response Of The Claimants' Advisory Committee To The Motion To Terminate Funding Pursuant To Section 2.01(C) Of The Funding Payment Agreement And To Terminate The Settlement Facility Pursuant To Section 10.03 of the

Settlement Facility and Fund Distribution Agreement (“the Motion to Terminate”), Dec. 9, 2024, ECF #1809.

4. The Reply asserts new arguments concerning the CAC that were not raised in the Motion, and it also has two new declarations attached to it. The CAC seeks leave to file the Sur-Reply to assure an accurate factual record for the Court. The proposed Sur-Reply is attached hereto as Exhibit 1, and the proposed Exhibits to the Sur-Reply are attached hereto as Exhibit 2.

Request for Relief

5. By this Motion, the CAC respectfully requests that the Court enter an order in the form and substance attached hereto as Exhibit 3 to grant leave to the CAC to file the Sur-Reply.

Dated: December 18, 2024

Respectfully submitted,

/s/ Ernest H. Hornsby

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Claimants' Advisory Committee

/s/ Dianna L. Pendleton-Dominguez

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Claimants' Advisory Committee

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CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2024, I electronically filed the foregoing document with the Clerk of the Court using the ECF System which will send notification of such filing to all registered counsel in this case.

Dated: December 18, 2024

/s/ Dianna L. Pendleton-Dominguez
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