

**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

MOTION TO FILE CERTAIN MATERIAL UNDER SEAL

Pursuant to the Administrative Procedures for Electronic Case Filing and Local Rule 5.3, Dow Silicones Corporation (“Dow Silicones”), the Debtor’s Representatives (the “DRs”), and the Finance Committee (the “FC”) (collectively, “Movants”) seek an Order authorizing them to file under seal certain material that is subject to protected privacy interests such that public filing of the material is likely to prejudice those interests. Movants seek to refile documents originally filed on December 9, 2024.

The material to be filed under seal is:

1. Three sentences in Movants’ Reply to the Claimants’ Advisory Committee’s Response to the Motion for 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 (“Reply”);

2. Two sentences in Exhibit 2 to the Reply, December 9, 2024 Declaration of Brian Chmiel.

The authority for sealing the proposed documents was addressed at the hearing held on December 11, 2024 and includes the Settlement Facility and Fund Distribution Agreement and the applicable entities' general interest in preserving the confidentiality of sensitive information.

A means other than sealing is not available to preserve these interests because only sealing the relevant documents will ensure that the applicable entities' sensitive information is not available to the general public, including their competitors, as it otherwise would be if the documents were not filed under seal.

For the forgoing reasons and those set forth in the accompanying Memorandum, the Movants respectfully request that the Court enter an Order authorizing them to file the designated portions of the Reply and Exhibit 2 to the Reply under seal. A proposed Order is submitted herewith.

Dated: December 21, 2024

Respectfully submitted,

/s/ Karima Maloney

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(Settlement Facility Matters)**

Hon. Denise Page Hood

**MEMORANDUM IN SUPPORT OF MOTION TO FILE CERTAIN
MATERIAL UNDER SEAL**

Dow Silicones Corporation (“Dow Silicones”), the Debtor’s Representatives (the “DRs”), and the Finance Committee (the “FC”) (collectively, “Movants”) file this Memorandum in Support of Motion to File Certain Material Under Seal and respectfully state as follows:

The Movants seek to file under seal designated portions of documents they had originally filed on December 9, 2024: (1) designated portions (specifically three sentences) of Movants’ Reply to the Claimants’ Advisory Committee’s Response to the Motion for 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 (“Reply”) and (2) designated portions (specifically two sentences) of Exhibit 2 to the Reply, December 9, 2024 Declaration of Brian Chmiel.

The designated portions of the Reply and Exhibit 2 to the Reply contain information that is not otherwise publicly available. Courts in the Sixth Circuit have recognized that protecting privacy rights of persons or entities including those parties' financial or proprietary information, may justify the filing of certain information under seal. *See Brown v. Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1179 (6th Cir. 1983); *Vetel Diagnostics, Inc. v. Bossardet*, 2012 U.S. Dist. LEXIS 147234, at *5 (E.D. Mich. Oct. 12, 2012); *Counts v. Gen. Motors, LLC*, No. 16-CV-12541, 2021 WL 4241014, at **2-3 (E.D. Mich. Mar. 15, 2021).

The portions of the documents for which the Movants seek a sealing Order contain financial information and, accordingly, are subject to protected privacy interests. Specifically, the Reply and Exhibit 2 to the Reply contain proprietary costs of the Claimants' Advisory Committee – paid by the Settlement Facility. Public filing of the documents is likely to prejudice their protected interests.

Dated: December 21, 2024

Respectfully submitted,

/s/ Karima Maloney

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CERTIFICATE OF SERVICE

I hereby certify that on December 21, 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 21, 2024

/s/ Deborah E. Greenspan

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