

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

**In re:**

**SETTLEMENT FACILITY DOW  
CORNING TRUST**



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

**Hon. Denise Page Hood**

**MOTION FOR LEAVE TO FILE SUR-SUR-REPLY OF DOW SILICONES CORPORATION, THE DEBTOR’S REPRESENTATIVES, AND THE FINANCE COMMITTEE IN RESPONSE TO THE SUR-REPLY 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**

Dow Silicones Corporation (“Dow Silicones”), the Debtor’s Representatives (the “DRs”), and the Finance Committee (the “FC”) (collectively, “Movants”) submit this Motion for Leave to File Sur-Sur-Reply in Response to the Claimants’ Advisory Committee’s (“CAC”) Sur-Reply in Further Response to the Reply of Dow Silicones, the Debtor’s Representatives, and the Finance 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, ECF No. 1824.

## **Background**

1. The Movants filed a 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 on November 15, 2024, ECF No. 1796.
2. The CAC filed a Response to the Motion to Terminate on December 6, 2024 (“Response”), ECF No. 1806.
3. The Court held a hearing regarding the Motion to Terminate on December 11, 2024.
4. The Movants filed a Reply to the CAC’s Response on December 9, 2024, which was subsequently withdrawn and refiled with a Motion to Seal on December 21, 2024.
5. The CAC filed a Motion for Leave to File Sur-Reply to the Movants’ Reply on December 18, 2024, ECF No. 1814.
6. The Court granted the CAC’s Motion for Leave to File Sur-Reply on December 23, 2024, ECF No. 1820.
7. The CAC filed their Sur-Reply to the Movants’ Reply on December 23, 2024, ECF No. 1824.

8. The Sur-Reply asserts new arguments not raised in the Response. The Movants seek leave to file the Sur-Sur-Reply in order to assure an accurate factual record for the Court. The proposed Sur-Sur-Reply is attached hereto as Exhibit 1.

**Request for Relief**

9. By this Motion, the Movants respectfully request that the Court enter an order in the form and substance attached hereto as Exhibit 2 to grant leave to the Movants to file the Sur-Sur-Reply.

Dated: December 29, 2024

Respectfully submitted,

/s/ Karima Maloney

Karima Maloney  
STEPTOE LLP  
717 Texas Avenue  
Suite 2800  
Houston, TX 77002  
Telephone: (713) 221-2382  
KMaloney@steptoe.com

*Counsel for the Finance Committee*

/s/ Deborah E. Greenspan

Deborah E. Greenspan  
BLANK ROME LLP  
Michigan Bar # P33632  
1825 Eye Street, N.W.  
Washington, DC 20006  
Telephone: (202) 420-2200  
Facsimile: (202) 420-2201  
Deborah.Greenspan@blankrome.com

*Debtor's Representative and Attorney  
for Dow Silicones Corporation*

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

**In re:**

**SETTLEMENT FACILITY DOW  
CORNING TRUST**



**Case No. 00-CV-00005**

**Hon. Denise Page Hood**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 29, 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 29, 2024

/s/ Deborah E. Greenspan

Deborah E. Greenspan  
BLANK ROME LLP  
Michigan Bar # P33632  
1825 Eye Street, N.W.  
Washington, DC 20006  
Telephone: (202) 420-2200  
Facsimile: (202) 420-2201  
Deborah.Greenspan@blankrome.com  
*Debtor's Representative and  
Attorney for Dow Silicones  
Corporation*