

No. 23-1936

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Mar 6, 2024  
KELLY L. STEPHENS, Clerk

In re: SETTLEMENT FACILITY DOW  
CORNING TRUST,

Debtor.

KOREAN CLAIMANTS,

Interested Party-Appellant,

v.

DOW SILICONES CORPORATION, et al.,

Interested Parties-Appellees,

and

FINANCE COMMITTEE,

Movant-Appellee.

ORDER

Before: BOGGS, GIBBONS, and READLER, Circuit Judges.

Korean Claimants—individuals from South Korea who settled claims against Dow Corning alleging injuries caused by breast implants it manufactured—appeal from the district court’s joint stipulation and agreed order relating to requests to reissue payments from the trust established following Dow Corning’s bankruptcy reorganization. The clerk ordered Korean Claimants to show cause why their appeal should not be dismissed as taken from a non-final, non-appealable order, given that the district court proceeding is still ongoing.

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Korean Claimants assert that because the order relates to Dow Corning's bankruptcy reorganization, its "finality" should be analyzed under the less stringent test applied to bankruptcy orders. An order is final for purposes of appeal in the bankruptcy context when the order "finally dispose[s] of discrete disputes within the larger case." *Huntington Nat'l Bank v. Richardson (In re Cyberco Holdings, Inc.)*, 734 F.3d 432, 437 (6th Cir. 2013) (alteration in original) (quoting *Lindsey v. O'Brien, Tanski, Tanzer and Young Health Care Providers of Conn. (In re Dow Corning Corp.)*, 86 F.3d 482, 488 (6th Cir. 1996)). It is not entirely clear that this is a bankruptcy matter, however, given that this case exists as a product of the Amended Joint Plan of Reorganization and was defined in that agreement as an independent action "under the exclusive jurisdiction of the District Court." *Settlement Facility and Fund Distrib. Agreement*, 34 (available at <https://www.sfdct.com/sites/default/files/2022-09/Final%20SFA1.pdf> (last visited Feb. 16, 2024)). Accordingly, we conclude that additional briefing on this issue would benefit the court. We decline to consider the Korean Claimants' alternative perfunctory request to certify an interlocutory appeal given their failure to comply with the prerequisites set forth in Federal Rule of Bankruptcy Procedure 8004 or 8006.

Accordingly, the show cause order is **WITHDRAWN**. The parties are **ORDERED** to address the matter of this court's jurisdiction in their merits briefing.

ENTERED BY ORDER OF THE COURT

  
Kelly L. Stephens, Clerk