

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SILICONE GEL BREAST IMPLANT)	Master File Number
PRODUCTS LIABILITY LITIGATION)	92-cv-10000-RDP
(MDL 926))	
_____)	
)	
HEIDI LINDSEY, et al.,)	
)	Civil Action Number
Plaintiffs,)	94-cv-11558-RDP
)	
v.)	
)	
DOW CORNING CORPORATION, et al.,)	
)	
Defendants.)	
_____)	
)	
SANDY ALTRICHTER, et al.,)	
)	Civil Action Number
Plaintiffs,)	97-cv-11441-RDP
)	
v.)	
)	
INAMED CORPORATION, et al.,)	
)	
Defendants.)	
_____)	
)	
FRANCESCA BUTLER, et al.,)	
)	Civil Action Number
Plaintiffs,)	93-cv-11433-RDP
)	
v.)	
)	
MENTOR CORPORATION, et al.,)	
)	
Defendants.)	
_____)	

**ORDER REGARDING
UNCASHED SETTLEMENT CHECKS**

Before the court is the question of how to deal with certain uncashed settlement checks. The deadline for submitting claims to the Revised Settlement Program in the above-captioned litigation was December 15, 2010. Over the years of operation of the

Revised Settlement Program, some of the settlement checks that were issued to claimants have remained uncashed. This court has previously urged the Claims Administrator and Escrow Agent to make extensive efforts to locate the claimants, or the claimants' heirs, who were issued the uncashed settlement checks and such efforts have been unsuccessful.

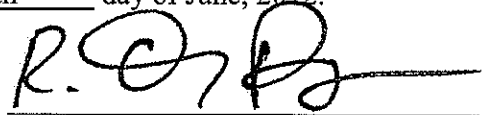
Previously, the parties had relied on case law which held that uncashed checks from federal class actions were not subject to States' unclaimed property laws. *See, e.g., In re Lease Oil Antitrust Litig.* (No. II), MDL-1206, 2009 WL 5195977, at *5 (S.D. Tex. December 22, 2009) reversed and vacated *sub nom. All Plaintiffs v. All Defendants*, 645 F. 3d 329 (5th Cir. 2011); *Dewey v. Volkswagen of America*, 728 F. Supp. 2d 546, 582 (D. N.J. July 30, 2010). In 2011, however, the Fifth Circuit reversed the district court's decision in the above-referenced *In re Lease Oil Antitrust Litig.* and held that unpaid settlement funds from a federal class action are subject to states' unclaimed property laws. 645 F.3d at 334-35. There are thirty-two settlement checks ranging in amounts from \$1,000 to \$8,160, totaling \$79,500, which remain uncashed. Three of these checks, two in the amount of \$1,000 and one in the amount of \$3,000, were issued to claimants who are from Mexico and Guatemala.

Based on the foregoing, it is hereby **ORDERED** that:

1. The Claims Administrator, through the Escrow Agent, shall provide the notice required under the relevant states' unclaimed property laws to the twenty-nine domestic claimants whose settlement checks remain uncashed and, thereafter, for each claimant who does not respond to such notice(s), cancel the settlement check and remit the funds representing such checks to the appropriate state officer; and

2. The three uncashed settlement checks that were issued to claimants from Mexico and Guatemala, two in the amount of \$1,000 and one in the amount of \$3,000 are to be cancelled and the funds represented by such checks shall revert to the Revised Settlement Program account of the defendant or defendants who provided funding for such settlement checks.

DONE and **ORDERED** this 12th day of June, 2012.

A handwritten signature in black ink, appearing to read "R. David Proctor", written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE