

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:)
DOW CORNING)
CORPORATION)
) CASE NO. 00-CV-00005-DT
)
REORGANIZED DEBTOR) HONORABLE DENISE PAGE HOOD

**WILLIAM RUTH'S OBEJECTIONS AND RESPONSE TO FINANCE COMMITTEE'S
SUPPLEMENTAL MOTION FOR ENTRY OF AN ORDER TO SHOW CAUSE**

COME NOW, Defendant William W. Ruth and files his Objections and Response to Finance Committee's Supplemental Motion for Entry of an Order to Show Cause, and would show the court:

I.

OBJECTIONS

Ruth objects to the late filing and timeliness of the Finance Committee's supplemental motion for entry of an order to show cause. Further, Ruth objects to the assertions made therein to the extent that the allegations do not accurately reflects Ruth's testimony or provide any new evidence, if any, evidence that Ruth mishandled and/or failed "safeguard" the check at issue.

RESPONSE

1. The Finance Committee has alleged that William Ruth received the check in question and failed to “safeguard” the check at issue which no evidence has been provided by the Finance Committee in support of these allegations.
2. To the contrary, uncontroverted evidence indicates that Ruth was not even aware of having received the check, and the signature on the check is not Ruth’s. Therefore, Ruth cannot be held liable for an alleged check that no evidence is presented as to Ruth having even received the check; having not “safe guarded” the check when he was not even aware of having received it; and/or any evidence proving the endorsement on the check was Ruth’s.
3. The Finance Committee now alleges that Ruth provided inconsistent testimony to the Court. This too is without evidentiary support.
4. If anything, the information provided to the Court by the Finance Committee supports Ruth’s testimony; provides evidence of Ruth acting with prudence and care as to other claimants; supports Ruth’s testimony that he was having difficulties in locating certain clients; and his efforts to properly handle these matters even after approximately 15 years and after having closed his law office was both reasonable and proper.

5. The evidence presented by the Finance Committee demonstrates and bolsters the fact that Ruth sought to act properly and prudently in handling matters involving other claimants, and it stands to reason that Ruth would have done the same had he known about the check in question.
6. In addition, Ruth did not purport that he did not represent the claimants or terminated his representation of them when he closed his law office.
7. To the contrary, Ruth testified specifically that he attempted to refer the remaining claimants to two other law firms who were not interested; had sent letters to the claimants informing them that he was closing his law office which he also informed SF-DCT of the same in at least one or two telephone communications, and he believed he did the same in writing. Therefore, no inconsistencies are present as to Ruth's testimony.
8. The Finance Committee is clearly making an erroneous assumption that when an attorney "closes his/her office" that the representation is terminated and the attorney does no further work for the clients.¹ This is not what took place nor does it accurately reflect Ruth's testimony.

¹ Ruth testified that when he closed his law office at the Bank of America building approximately 15 years earlier that he had gone into the construction business where he worked from his home. Ruth further testified that he was not seeking to practice law and/or obtain new clients, and sought to dispose of his current cases. The documents presented by the Finance Committee does not contradict Ruth's testimony.

9. To clarify, Ruth had some remaining cases, including some in the SF-DCT which the claimants and Ruth were to be compensated.
10. These claimants were sporadically being paid over this approximately 14 year period without any prior notification, resulting in Ruth not knowing that the check at issue had been sent or having knowledge of having received it.
11. Regardless, there remains no evidence before the Court that Ruth received or was aware of having received the check at issue; nor any evidence that Ruth acted negligently in "safeguarding" the check at issue had he received it; or any evidence proving that the endorsement on the check is Ruth's.
12. Ruth, therefore, asks for reasonable attorney fees and costs associated in defending himself against these unsupported allegations.

WHEREFORE, Ruth requests that the court grant him legal fees and costs arising from these allegations, and for any and all other relief.

Respectfully submitted,

By: 

WILLIAM W. RUTH

1406 E. Main Street, #200

Fredericksburg, Texas 78624

Tel: 325-642-9802

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

IN RE: DOW CORNING CORPORATION REORGANIZED DEBTOR	Case No. 00-CV-00005-DT Hon. Denise Page Hood
--	--

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2018, WILLIAM RUTH'S OBJECTION AND RESPONSE TO FINANCE COMMITTEE'S SUPPLEMENTAL MOTION FOR ENTRY OF AN ORDER TO SHOW CAUSE has been electronically filed with the Clerk of Court using the ECF system which will send notice and copies of the document to all registered counsel in this case.

By: /s/ Michael J. Rock
MICHAEL J. ROCK
MICHAEL J ROCK, PLLC
Attorney for Defendant
William W. Ruth
500 Griswold, Suite 2340
Detroit, MI 48226
micheal.rock@mrocklaw.com
(248)587-7513