

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

IN RE: § **CASE NO. 00-CV-00005-DT**
§ **(Settlement Facility Matters)**
DOW CORNING §
CORPORATION, §
§
REORGANIZED DEBTOR § **Hon. Denise Page Hood**

**FINANCE COMMITTEE’S MOTION TO VACATE OR DISMISS THE
ORDER TO SHOW CAUSE WITH RESPECT TO
DANIEL E. BECNEL, JR. OF BECNEL LAW FIRM, LLC**

The Finance Committee respectfully requests that the Court dismiss the Order to Show Cause (#1423) requiring Daniel E. Becnel, Jr. of Becnel Law Firm, LLC to appear before this Court on June 14, 2018 at 9:30 a.m. In support of this motion, the Finance Committee would show the Court as follows:

1. On June 11, 2018, Kevin Klibert of The Becnel Law Firm, LLC contacted counsel for the Finance Committee and advised that Daniel Becnel, Jr. is disabled and had retired from the practice of law.

2. By June 12, 2018, Mr. Klibert, who is the registered agent and managing attorney of The Becnel Law Firm, provided proof of distribution of claim payments to Claimant SID 1067559, Claimant SID 1268875, and the heirs of Claimant 1000877.

3. The SF-DCT's inquiry regarding these claim payment distributions has been satisfied. Accordingly, the Finance committee no longer seeks sanctions against Daniel E. Becnel, Jr. or the Becnel Law Firm, and it is no longer necessary or equitable to proceed with a show cause hearing. *See* Fed. R. Civ. P. 60 (b) (6) ("On a motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgement, order or proceeding for the following reasons... (6) the judgement has been satisfied, released or discharged, or a prior judgement upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgement should have prospective application.").

Dated: June 14, 2018.

Respectfully submitted,

SMYSER KAPLAN & VESELKA LLP

 /s/ Karima G. Maloney

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(E.D. Mich. admitted)

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COUNSEL FOR FINANCE COMMITTEE

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2018, the foregoing pleading 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. A copy of this motion was also sent via email to Kevin Klibert, registered agent of The Becnel Law Firm, L.L.C. at kklibert@becnelllaw.com.

By: /s/ Karima G. Maloney
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