

**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 ORDER  
TO SHOW CAUSE WITH RESPECT TO HAROLD J.A. ALEXANDER OF  
THE MATHIS LAW FIRM P.C.**

The Finance Committee respectfully requests that the Court vacate or dismiss the Order to Show Cause (Doc. #1422) requiring Harold J.A. Alexander to appear before the Court to show cause why he should not be sanctioned, held in contempt and otherwise required to respond because of his law firm’s conduct with respect to \$5,000 in claim payment funds. In support of this motion, the Finance Committee would show the Court as follows:

1. On June 14, 2018, during the originally scheduled show cause hearing, Mr. Alexander appeared by telephone, and the Finance Committee appearing in person. The Finance Committee indicated on the record it had reached an agreement with Mr. Alexander to permit him additional time to resolve the issues regarding the \$5,000 claim payment forwarded to his firm on July 29, 2015 for distribution to a Claimant he represented. Mr. Alexander indicated that

he would either provide proof of distribution to the Claimant or refund the \$5,000 claim payment in the additional time agreed upon.

2. The Court granted the joint request for an adjournment and continued the show cause hearing to October 4, 2018 at 9:30 a.m. (Doc. #1435).

3. On July 12, 2018, the Settlement Facility Dow Corning Trust (SF-DCT) confirmed to counsel for the Finance Committee that it had received a refund from Mr. Alexander's law office in the amount of \$5,000.

4. With the full refund of the claim payment at issue, the SF-DCT's inquiry has been satisfied. Accordingly, the Finance committee no longer seeks sanctions against Mr. Alexander, 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 judgment should have prospective application.").

