



SMYSER KAPLAN & VESELKA, L.L.P.

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Author's E-mail Address:
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September 7, 2018

Via Certified U.S. Mail
9314 8699 0430 0050 5272 09

Moncie Rasmus Jr.
 Attorney at Law
 1505 Cleburne Street
 Houston, Texas 77004

	Claimant	SID	Payment Type	Payment Amount	Payment Date
1	[REDACTED]	0324508	Disease PP	\$1,000	10/14/2014

FINAL REQUEST FOR RETURN OF FUNDS OR PROOF OF DISTRIBUTION

Dear Mr. Rasmus:

I represent the Finance Committee of the Settlement Facility-Dow Corning Trust (“SF-DCT”). Correspondence mailed to the Claimant by the SF-DCT regarding the breast implant claim payment referenced above was returned undeliverable, with no available forwarding address. At the time of the claim payment, you were the Claimant’s attorney of record. The SF-DCT sent you written requests for an updated address for the Claimant or in the event that the Claimant is deceased, the address of the person with authority to act on behalf of the Claim. The SF-DCT also requested probate information for any deceased Claimant. The SF-DCT has not received an updated address or probate information for [REDACTED].

The SF-DCT has confirmed that the claim payment check mailed to your office for distribution to the Claimant listed above has been cashed. Therefore, it is reasonable to assume that the Claimant’s current address information, probate information (if applicable), and proof of distribution of the funds to the Claimant or her estate representative is available to you. However, your firm has failed to provide this information in response to requests from the SF-DCT. Accordingly, in the absence of confirmation that the claim payment was distributed to the Claimant/estate representative, the SF-DCT has sent you a written request for return of the funds. You have also failed to return the claim funds as requested.

As previously stated in correspondence to you, pursuant to the Settlement Facility and Fund Distribution Agreement Article X Section 10.09, “all funds in the Settlement Facility are in the custody of the Court until the funds have actually been paid to and received by the Claimant (or a legally authorized recipient).” If you have been unable to locate a Claimant or the

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Claimant's estate representative to distribute the claim payment, **you are required to return the funds intended for the Claimant.**

Please return the funds directly to:

SF-DCT
Quality Management Department
P.O. Box 52429
Houston, Texas 77052

Should you wish to recover fees and expenses in the absence of the Claimant or her legal heir, you may do so by returning the funds and applying for attorney's fees and expenses through the Lien Resolution Procedures.

Please be aware that if an updated address, probate information (if applicable) and proof of distribution to the Claimant is not received or the claim payment is not returned in full within ten days (10) days of the date of this letter, the Finance Committee of the SF-DCT will seek from the U.S. District Court for the Eastern District of Michigan an order to show cause why your firm should not be held in contempt or otherwise sanctioned for failure to return the funds or verify that the funds have been distributed to the Claimant (or a legally authorized representative). The Finance Committee of the SF-DCT has reserved time for show cause hearings, should the Court grant our motion, before Chief Judge Denise Page Hood on October 4, 2018 and December 13, 2018 in Detroit, Michigan.

The claim referenced above is on HOLD and any applicable future claim payments, including Premium Payments, will not be made until the funds described herein have been returned or proof of distribution to the Claimant has been provided with updated address information for the Claimant/estate representative and probate information (if applicable).

Any questions regarding this matter may be directed to me at (713) 221-2300 or kmaloney@skv.com.

Sincerely,



Karima G. Maloney
Attorney for the Finance Committee, SF-DCT

KM:ma