

**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 MONCIE RASMUS, JR. ESQ.**

The Finance Committee respectfully requests that the Court vacate or dismiss the Order to Show Cause requiring Moncie Rasmus, Jr. to appear before the Court on May 9, 2019, 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 \$1,000 in claim payment funds. (Doc. #1496). In support of this motion, the Finance Committee would show the Court as follows:

1. On April 18, 2019, Mr. Rasmus provided to counsel for the Finance Committee documentation which demonstrated his distribution of the \$1,000 claim payment to the Claimant.

2. The documentation provided resolves the SF-DCT’s inquiry. Accordingly, the Finance Committee no longer seeks sanctions against Mr. Rasmus, 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.”).

Dated: April 29, 2018.

Respectfully submitted,

SMYSER KAPLAN & VESELKA LLP

/s/ Karima G. Maloney

Karima G. Maloney

Texas Bar No. 24041383

(E.D. Mich. admitted)

700 Louisiana Street, Suite 2300

Houston, Texas 77002

(713) 221-2382 (telephone)

kmaloney@skv.com

COUNSEL FOR FINANCE COMMITTEE

CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2019, 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 certified mail to Moncie Rasmus, Jr. in Houston, Texas.

By: /s/ Karima G. Maloney
SMYSER KAPLAN & VESELKA LLP
Texas Bar No. 24041383
(*E.D. Mich. admitted*)
700 Louisiana Street, Suite 2300
Houston, Texas 77002
(713) 221-2382 (telephone)
kmaloney@skv.com
COUNSEL FOR FINANCE COMMITTEE