

**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 RONALD L. BROQUET OF  
MATERNA CUSTER & ASSOCIATES**

The Finance Committee respectfully requests that the Court vacate or dismiss the Order to Show Cause requiring Ronald L. Broquet of Materna Custer & Associates 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 office’s conduct with respect to \$2,250 in claim payment funds. (Doc. #1494). In support of this motion, the Finance Committee would show the Court as follows:

1. On May 7, 2019, Mr. Broquet represented to counsel for the Finance Committee that he left Materna Custer & Associates in 2006. A search of the State Bar of Michigan membership directory confirmed that Mr. Broquet is no longer affiliated with Materna Custer & Associates. Mr. Broquet indicated that since his affiliation with the law firm ceased, he had not represented the Claimant and he

had no knowledge of the claim payment checks at issue were sent to Materna Custer & Associates in 2014. Based on these representations, Mr. Broquet would not be the appropriate party to address the Court's inquiry regarding the distribution of the claim payments intended for the Claimant.

2. Accordingly, the Finance Committee no longer seeks sanctions against Mr. Broquet and it is no longer necessary or equitable to proceed with a show cause hearing.<sup>1</sup> *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.”).

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<sup>1</sup> The Finance Committee is in the process of identifying the attorney who took over representation of the Claimant. The Finance Committee will request proof of distribution from this attorney once identified.

Dated: May 7, 2019.

Respectfully submitted,

SMYSER KAPLAN & VESELKA LLP

/s/ Karima G. Maloney

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 May 7, 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 electronic mail to Ronald L. Broquet at [rbroquet@broquetlaw.com](mailto:rbroquet@broquetlaw.com).

/s/ Karima G. Maloney

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