

# **EXHIBIT D**

## SMYSER KAPLAN &amp; VESELKA, L.L.P.

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December 19, 2017

Via Certified U.S. and Electronic Mail

Mr. Jeffrey W. Steidley  
Ms. Tracie B. Fisher  
The Steidley Law Firm  
3000 Wesleyan Street, Suite 350  
Houston, Texas 77027  
[jeff@texlaw.us](mailto:jeff@texlaw.us)  
[tracie@texlaw.us](mailto:tracie@texlaw.us)

	Claimant	SID	Payment Type	Payment Amount	Payment Date
1		0237763	Rupture	\$20,000	3/10/2008
			Explant	\$ 5,000	4/27/2010
2		0253507	Rupture PP	\$ 2,500	9/16/2014
			Disease PP	\$15,000	1/15/2015
3		1127352	Rupture PP	\$ 2,500	8/15/2014
4		0244871	Rupture PP	\$ 2,500	10/14/2014
5		0674802	Rupture PP	\$ 2,500	9/16/2014
			<b>TOTAL</b>	<b>\$50,000</b>	

**FINAL REQUEST FOR RETURN OF FUNDS**

Dear Mr. Steidley and Ms. Fisher:

I represent the Finance Committee of the Settlement Facility-Dow Corning Trust ("SF-DCT"). Correspondence mailed to the claimants by the SF-DCT regarding the breast implant claim payments referenced above were returned undeliverable, with no available forwarding addresses. The SF-DCT sent you written requests for updated addresses for the five (5) claimants, or if a Claimants is deceased, the address of the person(s) with authority to act on behalf of the Claim. Address update/correction forms meeting SF-DCT requirements have not been received. You previously indicated that you would provide information related to the claim payments to Ellen Bearicks of SF-DCT's Quality Management Department, however, no information has been received.

The SF-DCT has confirmed that the claim payment checks listed above have been cashed; therefore it is reasonable to assume that current address information and proof of distribution to the Claimants is available. You have failed to provide either in response to requests from the SF-DCT. Accordingly, in the absence of confirmation that the claim payments

were distributed to the Claimants, the SF-DCT has sent you written requests for return of the funds. You have failed to respond to these requests, let alone 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 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 your office wish to recover fees and expenses in the absence of a Claimant or 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 for each claim, if proof of distribution to the Claimant is not received or the claim payments are not returned in full within fifteen days (15) 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). I have reserved time for a Show Cause hearing, should the Court grant our motion, before Chief Judge Denise Page Hood on January 31, 2018 at 2:00 p.m., in Detroit, Michigan.

The claims referenced above are 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 Claimants, including updated addresses, have been received.

Any questions regarding this matter may be directed to me at [kmaloney@skv.com](mailto:kmaloney@skv.com) or (713) 221-2382.

Sincerely,



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

KGM:ma