

**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 GILMER SADLER INGRAM
SUTHERLAND & HUTTON**

The Finance Committee respectfully requests that the Court vacate or dismiss the Order to Show Cause (#1426) requiring a representative of Gilmer Sadler Ingram Sutherland & Hutton to appear before this Court on June 14, 2018 at 9:30 a.m. to show cause why it should not be sanctioned, held in contempt and otherwise required to respond because of its conduct with respect to \$4,500 in claims payment funds. In support of this motion, the Finance Committee would show the Court as follows:

1. On Tuesday May 29, 2018, Tim Kirtner of Gilmer Sadler Ingram Sutherland & Hutton provided proof of distribution of a \$2,500 Rupture PP payment and a \$2,000 Disease PP payment to Claimant SID 0951227. The law firm’s distribution to Claimant SID 0951227 was made on December 1, 2014.
2. With the proof of distribution, the SF-DCT’s inquiry regarding these

claim payments has been satisfied. Accordingly, the Finance committee no longer seeks sanctions against Gilmer Sadler Ingram Sutherland & Hutton, 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: June 8, 2018.

Respectfully submitted,

SMYSER KAPLAN & VESELKA LLP

 /s/ Karima G. Maloney

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(E.D. Mich. admitted)

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CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2018, 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 email to Gilmer Sadler Ingram Sutherland & Hutton's registered agent Tim Kirtner at tkirtner@gsish.com.

By: /s/ Karima G. Maloney
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