

# **EXHIBIT H**

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

BANK OF AMERICA CENTER  
700 LOUISIANA SUITE 2300 HOUSTON, TEXAS 77002  
TELEPHONE 713.221.2300 FACSIMILE 713.221.2320

Direct Dial Number:  
(713) 221-2382

Author's E-mail Address:  
kmaloney@skv.com

April 12, 2018

Via Certified U.S. Mail 9314 8699 0430 0045 3812 98  
& Electronic Mail

Joseph J. Hochbein  
3827 Paxton Avenue, Suite #522  
Cincinnati, OH 45209  
terryatjoesoffice@cfl.rr.com

	Claimant	SID	Payment Type	Payment Amount	Payment Date
1		0681509	Rupture PP Disease PP	\$2,500 \$2,000	9/16/2014 1/15/2014

**FINAL REQUEST FOR RETURN OF FUNDS**

Dear Mr. Alexander:

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 payments referenced above was returned undeliverable, with no available forwarding addresses. At the time of the Claim payments, you were the attorney of record. The SF-DCT sent your firm written requests for an updated address for the Claimant listed above, or in the event that the Claimant is deceased (we now understand that [redacted] died in 2001), the address of the persons 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 checks listed above have been cashed. Therefore, it is reasonable to assume that you possess and can provide the current address information for the Claimant's estate representative, probate information, and proof of distribution to the Claimant's estate. 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 payments were distributed to the Claimant's 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

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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 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 your office 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 for the estate representative, probate information and proof of distribution to the Claimant’s estate representative 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 June 14, 2018 at 9:30 a.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 Claimant has been provided with updated address information for the estate representative, and probate information.

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

Sincerely,



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

KM:ma