

**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

**SUPPLEMENTAL BRIEF REGARDING FINANCE COMMITTEE'S
MOTION FOR ENTRY OF AN ORDER TO SHOW CAUSE WITH
RESPECT TO WILLIAM RUTH, ESQ. (DOC. No. 1353)**

During the show cause hearing held on March 22, 2018, Mr. Ruth indicated to the Court that in approximately 2003, he closed his law office.¹ He further stated that in approximately 2002, he telephoned the SF-DCT to advise that he was no longer representing the Claimants for which he had served as Attorney-of-Record. Since the hearing, the SF-DCT has not located any record of such notification by Mr. Ruth. To the contrary, the SF-DCT has discovered correspondence from Mr. Ruth, which contradicts his assertions during the hearing and establishes that he was actively representing Claimants to the SF-DCT as late as 2013. *See* Exh. 1.

Notably, in an email exchange with the SF-DCT on September 11, 2013, Mr. Ruth accepts a payment of \$10,000 for Claimant SID 0986988. *See* Exh. 2.

¹ Mr. Ruth also indicated in his sworn affidavit, dated January 11, 2018 and filed with his Response to the Finance Committee's Motion for an Order to Show Cause that he "closed down his law practice approximately 15 years ago." *See* Doc. No. 1359

Ruth did not inform SF-DCT that his law office was closed, or that he is no longer representing Claimants, as he would have this Court believe. *Id.* Similarly, in an email exchange dated September 25, 2013 with the SF-DCT, Mr. Ruth wrote to the SF-DCT to be re-instated as Attorney of Record for one particular Claimant. His email stated in part:

Also, I have other cases pending. In addition, I have several checks to clients who are now deceased, and I am unable to locate any addresses or located any relatives. My letters simply come back with no forwarding address.

See Exh. 3

In response to Mr. Ruth's email the SF-DCT indicated, among other things:

You have been added back as Attorney of Record for Claimant [name redacted]. You may return the checks of the deceased claimants; we will place the claim on hold until a relative is found. If you wish to be removed from the claim you can send us a letter with that request.

Id.

Thus, it is indisputable that: 1) Mr. Ruth was actively representing Claimants as late as 2013; 2) Mr. Ruth was told by the SF-DCT in 2013 to return checks for Claimants that he could not locate; 3) Mr. Ruth was told by the SF-DCT in 2013 that he could send a letter requesting that he be removed as from a given claim; and 4) Mr. Ruth failed to return checks or request removal from claims. Moreover it is undeniable that Mr. Ruth failed to safeguard the Claimant's award payment at issue in the Finance Committee's motion for an order to show cause.

Accordingly, the Finance Committee respectfully requests that Mr. Ruth be held accountable and penalized as provided in the Finance Committee's Proposed Order filed on March 23, 2018 as Doc. No. 1400.

Dated: April 3, 2018.

Respectfully submitted,

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/s/ Karima G. Maloney

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CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2018, the foregoing Motion for Entry of An Order to Show Cause 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.

By: /s/ Karima G. Maloney
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