

## C. Bryant Rogers

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**From:** Kelli Hermen <Kelli.Hermen@huntington.com>  
**Sent:** Friday, January 05, 2018 7:15 AM  
**To:** C. Bryant Rogers; Robyn Griffin; Melissa Villain  
**Cc:** 'Michael Gross'; Lloyd@sonosky.net; 'Dan MacMeekin'; dsimon@sonosky.com; 'Paul Frye'; 'Whitney Leonard'; 'Brian Deveau'; 'Mark Thoma'; 'Kenneth Jue'; 'Jacqueline Kimbrough'  
**Subject:** RE: Payments charged to the Class Funds which should have been charged to the Reserve Account

Good morning Bryant - \$17,136.42 has been transferred from the Reserve account (ending 2465) to the Main account (ending 2312).

Kelli Hermen  
Trust Officer  
Trust Fund Relationship Manager 2  
Phone: 614.331.5597

The Huntington National Bank  
7 Easton Oval  
EA5W72  
Columbus, OH 43219  
[www.huntington.com](http://www.huntington.com)



**From:** C. Bryant Rogers [mailto:cbrogers@nmlawgroup.com]  
**Sent:** Thursday, January 04, 2018 5:45 PM  
**To:** Robyn Griffin <Robyn.Griffin@huntington.com>; Melissa Villain <Melissa.Villain@huntington.com>; Kelli Hermen <Kelli.Hermen@huntington.com42>  
**Cc:** 'Michael Gross' <mike@mpgrosslaw.com>; Lloyd@sonosky.net; 'Dan MacMeekin' <dan@macmeekin.com>; dsimon@sonosky.com; 'Paul Frye' <pef@fryelaw.us>; 'Whitney Leonard' <Whitney@sonosky.net>; 'Brian Deveau' <Brian.Deveau@mossadams.com>; 'Mark Thoma' <Mark.Thoma@mossadams.com>; 'Kenneth Jue' <Kenneth.Jue@gilardi.com>; 'Jacqueline Kimbrough' <Jacqueline.Kimbrough@computershare.com>  
**Subject:** Payments charged to the Class Funds which should have been charged to the Reserve Account

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Robyn, Melissa and Keli--It has come to our attention in working on a motion to close out this case and on the account reconciliations that \$17,136.42 in payments to certain sampling tribes were made from the designated (Class Funds) account rather than from the Reserve Account as ordered by the court.( DOC 1468). see the attached hand marked copy of the June 2017 bank statement for the designated (Class Funds) account. All of those payments appear to have been made by check.

Our payment authorization letter ( attached) for these payments (dated April 25, 2017) was followed by a telecon and clarifying email of April 26, 2017 ( attached) making clear that these (and the other payments referenced in that email) should be paid from the Reserve Account rather than from the class funds( designated) account.

There had been an erroneous instruction in the April 25 letter to pay these amounts from the Class funds if wires were used ( para 3) but the portion of the letter addressing checks was clear that all such checks issued for these payments should be drawn against the Reserve Account. The requirement that all of these payments should be made from the Reserve Account was re-confirmed in the telecon and follow-up email of April 26( para 4)as well as in the court order enclosed with the payment authorization letter. In any event , it appears from your June bank statement that all of these payments were made by check. If we are mistaken on this please advise. However, even if any of these amounts were paid by wire we still need to have you charge them to the correct account—the Reserve Account.

As we move to complete the reconciliation and close out this case we need to have the bank now make a transfer of \$17,136.42 from the Reserve Account to the designated( Class Funds ) Account to bring the bank transactions re these payments in line with the court's order and our prior instructions.

We need this done ASAP as we are preparing a motion to distribute the Reserve account and need to show a correct present balance for that account—which is now \$17,136.42 too high. We will also be asking the court to transfer all remain funds remaining in the designated ( Class funds) account to the Reserve Account to close out the case and set up things for a second( final distribution). But we need this \$17,136.42 to go from the Reserve Account to the other account first for account reconciliation and tracking purposes. Please call if you have any questions and please send us documentation on when this transfer has been completed. Thanks . Bryant Rogers

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