

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

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In re : Chapter 11
:
WASHINGTON MUTUAL, INC., et al.,¹ :
:
Case No. 08-12229 (MFW)
:
Debtors. : (Jointly Administered)
:
Requested Hearing Date:
October 20, 2008 at 10:00 a.m.
:
Requested Objection Deadline:
At the hearing
:
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**MOTION OF DEBTORS PURSUANT TO BANKRUPTCY RULE 2002(a)
AND LOCAL RULES 9006-1(c) AND 9006-1(e) FOR AN ORDER SHORTENING
THE TIME TO CONSIDER MOTION OF DEBTORS PURSUANT TO SECTIONS
105(a) AND 542(b) OF THE BANKRUPTCY CODE SEEKING APPROVAL
OF A STIPULATION AND AGREEMENT CONCERNING DEPOSIT
ACCOUNTS AT JPMORGAN CHASE BANK, NATIONAL ASSOCIATION**

TO THE HONORABLE MARY F. WALRATH,
UNITED STATES BANKRUPTCY JUDGE:

Washington Mutual, Inc. ("WMI") and WMI Investment Corp. ("WMI
Investment"), as debtors and debtors in possession (collectively, the "Debtors"), respectfully
submit this motion (the "Motion to Shorten") for entry of an order shortening the applicable
notice period for the *Motion of the Debtors Pursuant to Sections 105(a) and 542(b) of the
Bankruptcy Code Seeking Approval of Stipulation and Agreement Concerning Deposit*

¹ The Debtors in these chapter 11 cases along with the last four digits of each Debtor's federal
tax identification number are: (i) Washington Mutual, Inc. (3725); and (ii) WMI Investment Corp.
(5395). The Debtors' principal offices are located at 1301 Second Avenue, Seattle, Washington
98101.



Accounts at JPMorgan Chase Bank, National Association (the “Motion”)² filed contemporaneously herewith, pursuant to Rule 2002(a) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rules 9006-1(c) and 9006-1(e) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), and sections and 105(a) of the Bankruptcy Code. The Debtors propose that the Court conduct a hearing to consider the Motion on October 20, 2008 at 10:00 a.m. (ET) and that objections to the relief requested be raised at the hearing. In support of the Motion to Shorten, the Debtors respectfully state as follows:

1. Local Rule 9006-1(c) requires 18 days’ notice prior to the hearing date where time for notice and hearing is not otherwise specified in the Local Rules or the Federal Rules of Bankruptcy Procedure. Del. Bankr. L.R. 9006-1(c). Pursuant to Local Rule 9006-1(e), however, such period may be shortened by order of the Court upon written motion specifying the exigencies supporting shortened notice. Del. Bankr. L.R. 9006-1(e). The Debtors submit that there are sufficient exigencies to justify shortening the notice period for the hearing of the relief requested in the Motion.

2. As set forth in the Motion, WMI’s assets include, among other things, more than \$4 billion in cash that WMI and its non-banking subsidiaries (including WMI Investment) had on deposit at WMB and WMBfsb immediately prior to the time the FDIC was appointed as receiver.

3. Since the Commencement Date, the Debtors and JPMorgan Chase have been working diligently to verify the amounts and other information concerning the

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

Deposits. The cooperative exchange of information between the parties that resulted has led to the Stipulation.

4. As more fully set forth in the Stipulation, JPMorgan Chase and the Debtors agree that, upon execution, delivery and approval of the deposit account documentation specified in paragraph 2 of the Stipulation, and the approval of the Stipulation by the Bankruptcy Court, the Deposits are to be deposit accounts of the Debtors and the Debtors' non-bank subsidiaries.

5. The Debtors and non-debtor subsidiaries will document the depositor relationship by executing and delivering standard WMB or WMBfsb deposit agreements and instructions. Neither the Debtors nor JPMorgan Chase are making any compromise or concession regarding the rights or remedies hereunder other than that the Deposits are to be treated as deposits of the Debtors. In that regard, the documentation to be executed and delivered formalizes the depositor relationship, and, except with respect to the characterization of the Deposits, preserves the status quo with respect to the Deposits in the event of any related or unrelated disputes in the future while ensuring the Deposits are brought back into the Debtors' control and are available for subsequent use during the chapter 11 cases or for distribution to the Debtors' creditors pursuant to a chapter 11 plan without delay or costly litigation.

6. As a result, the parties seek authorization to enter into the Stipulation, and its immediate approval is necessary to prevent further deterioration in the value of the Deposits and to ensure maximum recovery for the Debtors' creditors. Neither the Debtors, their estates, nor any other parties in interest are prejudiced by the request for shortened notice.

7. In addition, the Deposits are currently in non-interest bearing accounts and, as a result, with each day that passes, the estate loses the opportunity to accrue interest on these assets – interest that, at 3% per annum, would approximate \$353,000 per day. If the Debtors were required to wait the 18 days mandated under the Local Rules, such loss of value could approximate \$6,354,000. Such delay is not in the best interests of the estates and their creditors.


8. Finally, the uncertainty surrounding the commencement of the chapter 11 cases, as noted in the First Day Declaration of Stewart Landefeld, as amended, caused by the Receivership is being compounded by the speculation in the markets as to the status of the Deposits – the largest liquid assets of the Debtors' estates. Indeed, these issues have cause significant speculative trading in the market for WMI's debt securities. The Debtors believe that it is in the interests of their creditors to assure the markets that they have access to the Deposits.

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9. In light of the foregoing, the Debtors' estates and their creditors will benefit from an expedited hearing on the Motion as approval of the Stipulation will permit access to over \$4 billion in less than thirty days from the filing of the chapter 11 petitions. Accordingly, by this Motion to Shorten, the Debtors request that a hearing on the relief requested in the Motion be scheduled for October 20, 2008 at 10:00 a.m., and that any objections to the Motion be raised at the hearing.

WHEREFORE the Debtors respectfully requests entry of an order granting the relief requested herein and such other and further relief as is just.

Dated: October 14, 2008
Wilmington, Delaware



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PROPOSED ATTORNEYS TO THE DEBTORS
AND DEBTORS IN POSSESSION

Exhibit A
(Proposed Order)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

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	:	
In re:	:	Chapter 11
	:	
WASHINGTON MUTUAL, INC., <u>et al.</u>,¹	:	Case No. 08-12229 (MFW)
	:	
Debtor.	:	
	:	Re: Docket No. _____
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**ORDER SHORTENING THE TIME TO CONSIDER
MOTION OF DEBTORS PURSUANT TO SECTIONS 105(a)
AND 542 OF THE BANKRUPTCY CODE SEEKING APPROVAL
OF A STIPULATION AND AGREEMENT CONCERNING DEPOSIT
ACCOUNTS AT JPMORGAN CHASE BANK, NATIONAL ASSOCIATION**

Upon consideration of the motion, dated October 14, 2008 (the "Motion to Shorten"), of Washington Mutual, Inc. ("WMI") and WMI Investment Corp. ("WMI Investment"), as debtors and debtors in possession, for entry of an order pursuant to Rule 2002(a) of the Federal Rules of Bankruptcy Procedures, Rules 9006-1(c) and 9006-1(e) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, and section 105(a) of title 11 of the United States Code, shortening the applicable notice period for the *Motion of the Debtors Pursuant To Sections 105(a) and 542(b) of the Bankruptcy Code Seeking Approval of Stipulation and Agreement Concerning Deposit Accounts at JPMorgan Chase Bank, National Association* (the "Motion"); and the Court having jurisdiction to consider the Motion and the Motion to Shorten and the relief requested therein pursuant to 28 U.S.C. §§ 157 and

¹ The Debtors in these chapter 11 cases along with the last four digits of each Debtor's federal tax identification number are: (i) Washington Mutual, Inc. (3725); and (ii) WMI Investment Corp. (5395). The Debtors' principal offices are located at 1301 Second Avenue, Seattle, Washington 98101.

1334; and the Court having determined that granting the relief requested in the Motion to Shorten is appropriate; and it appearing that due and adequate notice of the Motion to Shorten has been given, and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the Motion to Shorten is granted; and it is further

ORDERED that the Motion shall be heard on October 20, 2008 at 10:00 a.m., and that objections to the relief requested in the Motion shall be raised at the hearing; and it is further

ORDERED that this Court shall retain jurisdiction over any and all matters arising from or related to the implementation or interpretation of this Order.

Dated: October __, 2008
Wilmington, Delaware

THE HONORABLE MARY F. WALRATH
UNITED STATES BANKRUPTCY JUDGE