

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

<b>In Re:</b>	)	
	)	<b>Chapter 11</b>
	)	
<b>WASHINGTON MUTUAL, et al.,</b>	)	<b>Case No. 08-12229 (MFW)</b>
	)	<b>(Jointly Administered)</b>
<b>Debtor.</b>	)	<b>Hearing Date: July 27, 2009 at 2:00 p.m.</b>
	)	<b>Objection Deadline: June 25, 2009 at 4:00 p.m.</b>

**MOTION OF THE RELIZON COMPANY FOR RELIEF  
FROM THE AUTOMATIC STAY PROVISIONS OF 11 U.S.C. § 362(a)**

The Relizon Company, doing business as WorkflowOne (“WorkflowOne”), by counsel and pursuant to 11 U.S.C. § 362(d) and Rules 4001 and 9014 of the Federal Rules of Bankruptcy Procedure and Del.Bankr.L.R. 4001-1, moves the United States Bankruptcy Court for the District of Delaware (“Bankruptcy Court”), for the entry of an order granting WorkflowOne relief from the automatic stay provisions of 11 U.S.C. § 362(a) to destroy and/or otherwise dispose of the Business Forms (as this term is defined in paragraph 4), or, in the alternative, declaring that the automatic stay provisions of 11 U.S.C. § 362(a) do not apply to this matter. In support of its motion, WorkflowOne states as follows:

**Jurisdiction**

1. This matter is brought pursuant to 11 U.S.C. § 362(d). Therefore, it is a core proceeding as defined in 28 U.S.C. § 157(b)(2)(A), (G) and (O). The Bankruptcy Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper under 28 U.S.C. §§ 1408 and 1409.

**Parties**

2. On September 26, 2008, Washington Mutual, Inc. (“WMI”) and WMI Investment Corp. (collectively the “Debtors”) filed with the Bankruptcy Court voluntary petitions for reorganization (“Cases”) under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§



101, et seq., as amended (“Bankruptcy Code”). The Debtors continue to operate their businesses as debtors-in-possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code. The Cases are being jointly administered.

3. WorkflowOne is now, and at all times relevant to this controversy has been, a corporation organized and existing under and pursuant to the laws of the State of Delaware.

### **Factual Allegations and Basis for Relief**

#### **A. The Agreement.**

4. WorkflowOne and WMI, “on behalf of itself and its direct and indirect subsidiaries and affiliates”<sup>1</sup> entered into a Master Purchase and Services Agreement (“Agreement”) dated as of December 1, 2003. The Agreement requires WorkflowOne to provide to and WMI to pay for print management services, including business forms, (hereafter the “Business Forms”) primarily used in the banking operations of Washington Mutual Bank (“WMB”). WMB is not a debtor in these bankruptcy proceedings.

5. Pursuant to the terms of the Agreement, WorkflowOne agreed to and did, among other things, warehouse the Business Forms produced and paid for in WorkflowOne’s distribution centers. Also pursuant to the Agreement, upon request, WorkflowOne would ship requested quantities of Business Forms to various WMI locations.

6. On September 25, 2008 WMB’s assets were seized by the Director of the Office of Thrift Supervision, and the Federal Deposit Insurance Corporation (“FDIC”) was appointed Receiver. Shortly thereafter, the FDIC sold substantially all of the assets of WMB to JP Morgan Chase Bank, National Association (“JPMC”).

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<sup>1</sup> Hereafter, any reference to WMI shall include the involved direct and indirect subsidiaries and affiliates, as applicable.

7. In the ensuing months JPMC obtained some of the Business Forms being warehoused by WorkflowOne. However, on March 10, 2009 JPMC informed WorkflowOne that it would no longer be obtaining Business Forms under the Agreement, and no further deliveries of the Business Forms have been made.

8. WorkflowOne now wishes to destroy and/or otherwise dispose of the Business Forms that it is currently warehousing for WMB and/or JPMC that are apparently no longer needed by these entities.<sup>2</sup>

9. To the extent required, WorkflowOne seeks relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to destroy and/or otherwise dispose of the Business Forms.

10. Although the Business Forms were produced at the request of a non-debtor, WMB, and are not likely to be property of the estate of either of the Debtors, WorkflowOne brings this motion out of an abundance of caution.

11. Furthermore, even if some or all of the Business Forms were somehow property of the estate of either of the Debtors, they are no longer being used by either of those estates and therefore hold no value to the estates. Likewise, the Business Forms are not necessary to an effective reorganization.

12. Based on the allegations in the preceding paragraphs, cause exists to grant WorkflowOne relief from the automatic stay provisions of § 362(a) of the Bankruptcy Code to destroy and/or otherwise dispose of the Business Forms.

13. In the alternative, the Bankruptcy Court may determine that the automatic stay provisions of § 362(a) of the Bankruptcy Code do not apply to this proceeding and, therefore,

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<sup>2</sup> WorkflowOne maintains a voluminous list of the items it wishes to destroy as part of this Motion, should any parties require the list, kindly contact the undersigned, who will provide a copy of same.

WorkflowOne need not obtain relief from the automatic stay provisions of § 362(a) to destroy and/or otherwise dispose of the Business Forms.

**No Prior Request**

14. No prior request for the relief sought herein has been made by WorkflowOne to this or any other court.

**Basis for Relief of Requested**

**Conclusion**

15. Based on the foregoing, The Relizon Company, doing business as WorkflowOne, prays that the Bankruptcy Court enter an order: (a) terminating the automatic stay provisions of § 362(a) of the Bankruptcy Code to permit WorkflowOne to destroy and/or otherwise dispose of the Business Forms; or (b) in the alternative, declaring that the automatic stay provisions of § 362(a) of the Bankruptcy Code do not apply in this instance; and (c) for such other and further relief as may be appropriate in this matter.

Dated: June 5, 2009

Respectfully submitted,

**ECKERT SEAMANS CHERIN  
& MELLOTT, LLC**



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FOR THE DISTRICT OF DELAWARE**

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<b>WASHINGTON MUTUAL, et al.,</b>	)	<b>Case No. 08-12229 (MFW)</b>
	)	<b>(Jointly Administered)</b>
<b>Debtor.</b>	)	<b>Hearing Date: July 27, 2009 at 2:00 p.m.</b>
	)	<b>Objection Deadline: June 25, 2009 at 4:00 p.m.</b>

**NOTICE OF MOTION OF THE RELIZON COMPANY FOR RELIEF  
FROM THE AUTOMATIC STAY PROVISIONS OF 11 U.S.C. § 362(a)**

TO: (i) Debtor's counsel; (ii) the Office of the United States Trustee; and (iii) all parties that have timely filed appearances pursuant to Fed. R. Bankr. P. 2002.

The Relizon Company, doing business as WorkflowOne ("WorkflowOne"), by its undersigned attorneys, has filed the **Motion of The Relizon Company for Relief from the Automatic Stay Provisions of 11 U.S.C. § 362(a)** (the "Motion").

You are required to file a response to the Motion, if any, on or before **June 25, 2009 at 4:00 p.m. (ET)** with the United States Bankruptcy Court of the District of Delaware, 3rd Floor, 824 Market Street, Wilmington, Delaware 19801. At the same time, you must also serve a copy of the response upon:

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**PLEASE TAKE NOTICE** that a hearing on the Motion will be held before the Honorable Mary F. Walrath at the United States Bankruptcy Court for the District of Delaware,

824 Market Street, 5<sup>th</sup> Floor, Courtroom No. 4, Wilmington, Delaware 19801 on July 27, 2009,  
2:00 p.m.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Rule 2002-1(e) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, if you fail to respond in accordance with this notice, the court may grant the relief demanded by the Motion without further notice or hearing.

Dated: June 5, 2009

Respectfully submitted,

**ECKERT SEAMANS CHERIN  
& MELLOTT, LLC**



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<b>WASHINGTON MUTUAL, et al.,</b>	)	<b>Case No. 08-12229 (MFW)</b>
	)	<b>(Jointly Administered)</b>
<b>Debtor.</b>	)	
	)	<b>Related to Docket No. ____</b>

**ORDER GRANTING RELIEF TO THE RELIZON COMPANY FROM THE  
AUTOMATIC STAY PROVISIONS OF 11 U.S.C. § 362(a)**

This matter coming before the Court pursuant to The Relizon Company's *Motion of The Relizon Company for Relief from the Automatic Stay Provisions of 11 U.S.C. § 362(a)*; the Court (the "Motion") having reviewed the Motion, all responses to the Motion, if any, and all related pleadings; and having heard the arguments of counsel with respect thereto at a hearing held before the Court on [July 27], 2009, (the "Hearing"); the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish sufficient cause for the relief granted herein (to the extent applicable and to the extent such relief is necessary); and it appearing that due and proper notice of the Motion has been given to all interested parties in this case,

**IT IS HEREBY ORDERED** as follows:

1. The Motion is granted.
2. **IT IS FURTHER ORDERED**, that the automatic stay provisions of § 362(a) of the Bankruptcy Code are terminated to permit WorkflowOne to destroy and/or otherwise dispose of the Business Forms.



3. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

Dated: \_\_\_\_\_, 2009

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Honorable Mary F. Walrath  
United States Bankruptcy Court Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In Re: )  
 ) Chapter 11  
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WASHINGTON MUTUAL, *et al.*, ) Case No. 08-12229 (MFW)  
 ) (Jointly Administered)  
 Debtor. )  
 )

CERTIFICATE OF SERVICE

I, Ronald S. Gellert, certify that on June 5, 2009, a true and correct copy of the foregoing  
**Motion of The Relizon Company for Relief from the Automatic Stay Provisions of 11**  
**U.S.C. § 362(a)** was sent to the parties listed on the attached service list, by First Class Mail,  
unless otherwise indicated.

Dated: June 5, 2009

ECKERT SEAMANS CHERIN  
& MELLOTT, LLC



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