

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

FILED
2010 JAN 25 PM 1:16
CLERK
U.S. BANKRUPTCY COURT
DISTRICT OF DELAWARE

In re

WASHINGTON MUTUAL , INC., et al

Chapter 11

Debtors.

Case No. 08-12229 (MFW)

**RESPONSE TO DEBTORS
OMNIBUS OBJECTION TO
CLAIMS.**

CLAIMANT: MELISSA GONELL

CLAIM NUMBER : 1100

DESCRIPTION OF THE BASIS FOR CLAIM: Claimant is suing for \$25,000.00 (which is the which is the jurisdictional limits for the civil court) for severe eye and facial injuries she received when she slipped and fell in the bank.

FACTUAL BASIS IN OPPOSITION TO OBJECTION : Claimant went to use the ATM At the Debtor's place of business. It had Been raining and the debtor had placed Some mats in the area which housed the ATM machines. The mats did not cover the entire area where the ATM machine were housed. The exposed tiled floors were slippery and dangerous to patrons entering the Debtor's branch. Claimant slipped on the tiled wet floor injuring her face .

LEGAL ARGUMENT: Co-counsel in the notice sent out avers that Debtor did not own Nor Control the premises. The Debtor was in possession of the Branch either through a lease or sublease agreement. As a possessor of building, the possessor has a duty to keep the premises in a reasonably safe condition for the protection of all persons whose presence is reasonably foreseeable. This would include the claimant. This duty of care is owed by the person who is in possession or control of the premises in question. Co-counsel for debtor has not raised an argument that the debtor was not in possession of the premises at the time of claimant's injury. Co-counsel's argument that the injury



to claimant occurred after the seizure of WMB and sale to JPMC has no legal basis whatsoever. The signs at the bank on the day claimant's incident occurred was that of WMB, and if nothing at all, held out itself to the public as still in possession and control of the premises in question, and still conducting business at that branch.

Moreover, the issue of control is a question of law to be decided by the court and not by a law firm. WMB had transacted business at the branch on the day of claimant's incident, hence the argument that they were not in control of the premises at that time has no legal or factual basis.

Supporting documents : Attached are pictures of the location of plaintiff's incident and plaintiff's injuries.

Submitted by



Law Office of Charles Nathan, P.C.
Attorney for Claimant Melissa Gonell
Post Office Box 753143
Bronx, New York 10475

917 -282 -9871

To: Clerk of the Court for the
United States Bankruptcy Court
For the District of Delaware
824 North Market Street, 3rd Floor
Wilmington, Delaware 19801

Weil, Gotshal & Manges, LLP
Attn: Marcia L. Goldstein
767 Fifth Avenue
New York, New York 10153

Richards, Layton & Finger, P.A.
Attn: Mark D. Collins
Attn : Chun I. jang
One Rodney Square
920 North King Street
Wilmington, Delaware 19801



