

**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) |
| | : | |
| Debtors. | : | Jointly Administered |
| | : | |
| -----X | | Related D.I. 3663, 3924, 3929 |

**CERTIFICATION OF DIRECT APPEAL TO THE
UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT
OF THE OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS'
APPEAL FROM THE ORDER DENYING APPOINTMENT OF AN EXAMINER**

A notice of appeal having been timely filed in the above-captioned Chapter 11 cases on May 19, 2010 by the Official Committee of Equity Security Holders (the "Equity Committee") appealing the *Order Denying Motion and Supporting Memorandum of the Official Committee of Equity Security Holders for the Appointment of an Examiner Pursuant to Section 1104(c) of the Bankruptcy Code*, entered on May 5, 2010 [D.I. 3663] (the "Final Order"), a copy of which is attached hereto as Exhibit 1; and for the reasons set forth in the *Official Committee of Equity Security Holders' Petition, Pursuant to 11 U.S.C. § 105(a), 28 U.S.C. § 158(d)(2), and Fed. R. Bankr. P. 8001(f), for Certification for Direct Appeal to the Court of Appeals for the Third Circuit of Appeal from Order Denying Appointment of an Examiner* (the "Certification Motion") and the underlying *Motion and Supporting Memorandum of the Official Committee of Equity Security Holders for the Appointment of an Examiner Pursuant to Section 1104(c) of the Bankruptcy Code* [D.I. 3579] (the "Motion"); the Court hereby finds that this certification arises

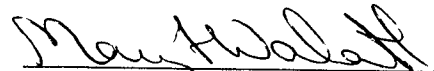
¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: (i) Washington Mutual, Inc. (3725); and (ii) WMI Investment Corp. (5395). The Debtors' principal offices are located at 925 Fourth Avenue, Suite 2500, Seattle, Washington 98104.



from a timely appeal from a final judgment, order, or decree of the United States Bankruptcy Court for the District of Delaware; this Court hereby further finds that the Final Order involves a question of law as to which there is no controlling decision of the United States Court of Appeals for the Third Circuit (the "Third Circuit") or of the Supreme Court of the United States; this Court hereby further finds that the Final Order involves a matter of public importance; and this Court hereby further finds that the Final Order involves a question of law requiring resolution of conflicting decisions; and thus it is hereby

ORDERED that, pursuant to 28 U.S.C. § 158(d)(2) and Bankruptcy Rule 8001(f), the Equity Committee's appeal of the Final Order is hereby CERTIFIED for direct appeal to the Third Circuit.

Dated: June 7, 2010



The Honorable Mary F. Walrath
United States Bankruptcy Judge