### UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re	•	Chapter 11
WASHINGTON MUTUAL, INC., et al., <sup>1</sup>	:	
Debtors.	:	Case Number 08-12229 (MFW) (Jointly Administered)
Debtors.	:	(Johnty Administered)

# THE UNITED STATES TRUSTEE'S DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL AND STATEMENT OF THE ISSUE TO BE PRESENTED (BAP-10-57; RELATED TO DOCKET ENTRY # 4496)

Pursuant to Federal Rule of Bankruptcy Procedure 8006, Roberta A. DeAngelis, United

States Trustee for Region 3 ("U.S. Trustee"), by and through her counsel, submits the following:

- A. <u>Designation of Items to Be Included in the Record on Appeal</u> (Note: Number in parentheses is the number assigned to the item on the Bankruptcy Court's docket).
  - 1. Chapter 11 Voluntary Petition (1)
  - 2. Notice of Filing of Amended Exhibit "A" to Voluntary Petition (6)
  - 3. Declaration of Stewart M. Landefeld in Support of the Debtors' Chapter 11 Petitions and First-Day Motions (13)
  - 4. Motion to Extend Deadline to File Schedules or Provide Required Information (15)
  - 5. Agenda for First Day Hearing and Index of First Day Pleadings (19)
  - 6. Order Regarding Notice to Equity Security Holders (37)
  - 7. Amended Declaration of Stewart M. Landefeld in Support of the Debtors' Chapter 11 Petitions and First-Day Motions (45)
  - 8. Notice of Filing of List of Equity Security Holders (59)

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.



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- 9. Motion of the Debtors Pursuant to 11 U.S.C. § 363 for an Order Authorizing the Employment of Alvarez and Marsal North America, LLC and Designating William C. Kosturos as Chief Restructuring Officer (63)
- 10. Notice of Appointment of Official Committee of Unsecured Creditors (78)
- 11. Notice of Appearance and Demand for Service of Papers Filed by Official Committee of Unsecured Creditors (94)
- 12. Amended Notice of Appearance and Demand for Service of Papers Filed by Official Committee of Unsecured Creditors (169)
- 13. Motion of Debtors for an Order, Pursuant to Section 365(a) of the Bankruptcy Code and Bankruptcy Rule 6006, Approving Rejection of Transfer Agent Agreement (174)
- 14. Transcript Regarding Hearing Held 10/3/08 (235)
- 15. Order Authorizing the Employment of Alvarez and Marsal North America, LLC and Designating William C. Kosturos as Chief Restructuring Officer (246)
- 16. Application of the Official Committee of Unsecured Creditors to Employ Pepper Hamilton LLP as Delaware Counsel (259)
- 17. Application of the Official Committee of Unsecured Creditors to Employ Akin Gump Strauss Hauer & Feld LLP as Co-Counsel (260)
- 18. Application to Employ FTI Consulting, Inc. as Financial Advisors to the Official Committee of Unsecured Creditors (303)
- Lead Plaintiff's Limited Objection to Debtors' Motion for an Order, Pursuant to 11 U.S.C. Section 365(a) and Fed. R. Bankr. P. 6006, Approving Rejection of Transfer Agent Agreement (312)
- 20. United States Trustee's Objection to Motion of Debtors for an Order, Pursuant to Section 365(a) of the Bankruptcy Code and Bankruptcy Rule 6006, Approving Rejection of Transfer Agent Agreement (342)
- 21. Order Authorizing and Approving the Employment of Akin Gump Strauss Hauer & Feld LLP as Co-Counsel to the Official Committee of Unsecured Creditors (354)
- 22. Order Authorizing and Approving the Employment of Pepper Hamilton LLP as Delaware Counsel to the Official Committee of Unsecured Creditors (358)

- 23. First Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (367)
- 24. Monthly Fee and Services Report of Alvarez & Marsal (378)
- 25. First Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (397)
- 26. Motion of the Debtors for an Order Authorizing the Debtors to Modify the Order Authorizing the Debtors to Employ Alvarez & Marsal (427)
- 27. Securities and Exchange Commission's Objection to Debtors' Motion to Reject Transfer Agent Agreement (432)
- 28. Amended Notice of Agenda for 12/16/08 Hearing (436)
- 29. Order Authorizing Employment of FTI Consulting, Inc. as Financial Advisors for Official Committee of Unsecured Creditors (456)
- 30. Schedules of Assets and Liabilities (WMI Investment Corp.) (475)
- 31. Statement of Financial Affairs (WMI Investment Corp.) (476)
- 32. Schedules of Assets and Liabilities (Washington Mutual, Inc.) (477)
- 33. Statement of Financial Affairs (Washington Mutual, Inc.) (478)
- 34. Transcript of Hearing Held on 12/16/08 (481)
- 35. Response of the United States Trustee to the Debtors' Motion to Modify the Order Authorizing the Debtors to Employ Alvarez and Marsal (483)
- 36. Second Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (492)
- Notice of Withdrawal of Motion of Debtors for an Order, Pursuant to Section 365(a) of the Bankruptcy Code and Bankruptcy Rule 6006, Approving Rejection of Transfer Agent Agreement (496)
- First Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (498)
- 39. Monthly Fee and Services Report of Alvarez & Marsal (501)

- 40. Order Modifying Order Authorizing Employment of Alvarez & Marsal North America, LLC (519)
- 41. Second Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (540)
- 42. Second Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (599)
- 43. Third Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (617)
- 44. Third Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (636)
- 45. Monthly Fee and Services Report of Alvarez & Marsal (657)
- 46. Third Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (719)
- 47. Monthly Fee and Services Report of Alvarez & Marsal (729)
- 48. Fourth Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (739)
- 49. Fourth Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (748)
- 50. Monthly Fee and Services Report of Alvarez & Marsal (801)
- 51. Fourth Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (818)
- 52. Fifth Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (833)
- 53. Application to Employ Quinn Emanuel Urquhart Oliver & Hedges, LLP as Special Litigation and Conflicts Counsel (888)
- 54. Fifth Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (870)
- 55. Monthly Fee and Services Report of Alvarez & Marsal (951)

- 56. Fifth Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (955)
- 57. Sixth Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (975)
- 58. Sixth Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (977)
- Order Authorizing the Employment and Retention of Quinn Emanuel Urquhart Oliver & Hedges, LLP as Special Litigation and Conflicts Counsel to the Debtors (1043)
- 60. Seventh Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (1061)
- 61. Sixth Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (1063)
- 62. Monthly Fee and Services Report of Alvarez & Marsal (1075)
- 63. First Monthly Application of Quinn Emanuel for Compensation/Reimbursement (1116)
- 64. Seventh Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (1175)
- 65. Monthly Fee and Services Report of Alvarez & Marsal (1211)
- 66. Seventh Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (1225)
- 67. Eighth Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (1253)
- 68. Eighth Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (1271)
- 69. Second Monthly Application of Quinn Emanuel for Compensation/Reimbursement (1315)
- 70. Eighth Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (1389)

- 71. Ninth Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (1392)
- 72. Monthly Fee and Services Report of Alvarez & Marsal (1423)
- 73. Ninth Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (1432)
- 74. Ninth Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (1544)
- 75. Monthly Fee and Services Report of Alvarez & Marsal (1547)
- 76. Third Monthly Application of Quinn Emanuel for Compensation/Reimbursement (1562)
- 77. Tenth Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (1563)
- 78. Tenth Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (1591)
- 79. Monthly Fee and Services Report of Alvarez & Marsal (1647)
- 80. Eleventh Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (1650)
- 81. Fourth Monthly Application of Quinn Emanuel for Compensation/Reimbursement (1653)
- 82. Tenth Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (1656)
- 83. Eleventh Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (1669)
- 84. Twelfth Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (1738)
- 85. Monthly Fee and Services Report of Alvarez & Marsal (1750)
- 86. Eleventh Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (1767)

- 87. Twelfth Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (1771)
- 88. Fifth Monthly Application of Quinn Emanuel for Compensation/Reimbursement (1859)
- 89. Sixth Monthly Application of Quinn Emanuel for Compensation/Reimbursement (1888)
- 90. Monthly Fee and Services Report of Alvarez & Marsal (1933)
- 91. Thirteenth Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (1934)
- 92. Thirteenth Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (1936)
- 93. Twelfth Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (1938)
- 94. Motion of the United States Trustee to Compel the Debtors to Produce a Sortable List of Equity Security Holders (2013)
- 95. Motion to Limit Notice re: Motion of the United States Trustee to Compel the Debtors to Produce a Sortable List of Equity Security Holders (2015)
- 96. Order Limiting and Shortening Notice re: Motion of the United States Trustee to Compel the Debtors to Produce a Sortable List of Equity Security Holders (2016)
- 97. Amended Notice of Agenda of Matters Scheduled for Hearing on 12/18/09 (2018)
- 98. Fourteenth Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (2043)
- 99. Monthly Fee and Services Report of Alvarez & Marsal (2044)
- 100. Thirteenth Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (2046)
- 101. Seventh Monthly Application of Quinn Emanuel for Compensation/Reimbursement (2056)
- 102. Fourteenth Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (2061)

- 103. Transcript of Hearing Held on 12/18/09 (2070)
- 104. Notice of Appointment of Official Committee of Equity Security Holders (2130)
- 105. Debtors' Motion for an Order (A) Disbanding the Official Committee of Equity Security Holders or (B) Limiting the Fees and Expenses Which May Be Incurred by Such Committee (2132)
- 106. Objection of Official Committee of Equity Security Holders to Debtors' Motion to Disband the Committee (2185)
- 107. Response of Black Horse Capital Management LLC to Debtors' Motion to Disband the Official Committee of Equity Security Holders and Request for Alternative Relief Consisting of a Reconstituted Committee of Certain Preferred Equity Security Holders (2186)
- 108. Statement of the Official Committee of Unsecured Creditors in Support of Disbanding the Official Committee of Equity Security Holders (2194)
- 109. Objection of the United States Trustee to the Debtors' Motion to Disband the Official Committee of Equity Security Holders (2198)
- 110. Response of the Bank Bondholders to the Opposition of the Official Committee of Equity Security Holders to Debtors' Motion to Disband the Committee (2215)
- 111. Fifteenth Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (2221)
- 112. Debtors' Reply in Further Support of Motion to Disband the Official Committee of Equity Security Holders (2223)
- 113. Transcript of Hearing Held 1/28/10 (2277)
- 114. Objection of the United States Trustee to Black Horse Capital Management LLC's Request for Alternative Relief Consisting of a Reconstituted Committee of Certain Preferred Equity Holders (2232)
- 115. Fourteenth Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (2238)
- 116. Eighth Monthly Application of Quinn Emanuel for Compensation/Reimbursement (2246)

- 117. Application of the Official Committee of Equity Security Holders to Employ Venable LLP as Counsel (2250)
- 118. Monthly Fee and Services Report of Alvarez & Marsal (2251)
- 119. Fifteenth Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (2275)
- 120. Transcript of Hearing Held on 1/28/10 (2277)
- 121. Debtors' Reservation of Rights re: Application of the Official Committee of Equity Security Holders to Employ Venable LLP as Counsel (2363)
- 122. Order Denying (I) Debtors' Motion for an Order Disbanding the Equity Committee and (II) Black Horse's Motion to Reconstitute the Equity Committee (2378)
- 123. Order Authorizing the Employment and Retention of Venable LLP as Counsel to the Official Committee of Equity Security Holders (2403)
- 124. Monthly Fee and Services Report of Alvarez & Marsal (2420)
- 125. Fifteenth Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (2421)
- 126. Sixteenth Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (2427)
- 127. Ninth Monthly Application of Quinn Emanuel for Compensation/Reimbursement (2437)
- 128. Sixteenth Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (2439)
- 129. Application of the Official Committee of Equity Security Holders to Employ Peter J. Solomon as Financial Advisor and Consulting Expert (2448)
- 130. Tenth Monthly Application of Quinn Emanuel for Compensation/Reimbursement (2489)
- Application of the Official Committee of Equity Security Holders to Employ Ashby & Geddes, P.A. as Delaware Counsel (2523)
- 132. First Monthly Application of Venable LLP for Compensation/Reimbursement (2534)

- 133. Debtors' Reservation of Rights With Respect to Application of the Official Committee of Equity Security Holders to Employ Peter J. Solomon as Financial Advisor and Consulting Expert (2552)
- 134. Monthly Fee and Services Report of Alvarez & Marsal (2565)
- 135. Official Committee of Unsecured Creditors' Reservation of Rights With Respect to the Application of the Official Committee of Equity Security Holders to Employ Peter J. Solomon as Financial Advisor and Consulting Expert (2880)
- 136. Second Monthly Application of Venable LLP for Compensation/Reimbursement (2617)
- 137. Joint Chapter 11 Plan of Affiliated Debtors (2622)
- 138. Disclosure Statement for Joint Plan of Affiliated Debtors (2623)
- 139. Seventeenth First Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (2625)
- 140. Seventeenth Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (2629)
- 141. Debtors' Objection to First and Second Monthly Applications of Venable LLP for Compensation/Reimbursement (3068)
- 142. Order Authorizing Employment of Peter J. Solomon Company as Financial Advisor and Consulting Expert for the Official Committee of Unsecured Creditors (3073)
- 143. Sixteenth Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (3120)
- 144. Order Authorizing the Retention and Employment of Ashby & Geddes, P.A. as Delaware Counsel to the Official Committee of Equity Security Holders (3123)
- 145. Reply of Venable LLP to Debtors' Objection to its First and Second Monthly Applications for Compensation/Reimbursement (3517)
- 146. Seventeenth Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (3570)
- 147. 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 (3579)

- 148. Eleventh Monthly Application of Quinn Emanuel for Compensation/Reimbursement (3589)
- 149. Transcript of Hearing Held on 4/21/10 (3593)
- 150. Eighteenth Monthly Application for Compensation/Reimbursement of Pepper Hamilton LLP (3607)
- 151. Bank Bondholders' Statement in Response to 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 (3625)
- 152. Debtors' Objection to 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 (3626)
- 153. JPMorgan Chase Bank, N.A.'s Response and Objection to the Motion of the Official Committee of Equity Security Holders for the Appointment of an Examiner Pursuant to Section 1104(c) of the Bankruptcy Code (3627)
- 154. The United States Trustee's Response in Support of the 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 (3628)
- 155. Objection of the Official Committee of Unsecured Creditors of Washington Mutual, Inc., et al. to the 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 (3629)
- 156. Statement of the Federal Deposit Insurance Corporation, as Receiver for Washington Mutual Bank, in Response to the 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 (3630)
- 157. Objection by the Washington Mutual, Inc. Noteholders Group to the 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 (3633)
- 158. Eighteenth Monthly Application for Compensation/Reimbursement of Akin Gump Strauss Hauer & Feld LLP (3648)
- 159. Amended Agenda of Matters Scheduled for Hearing on 5/5/10 (3654)

- 160. 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 (3663)
- 161. Application of the Official Committee of Equity Security Holders to Employ Susman Godfrey LLP as Counsel (3681)
- 162. Transcript of Hearing Held on 5/5/10 (3699)
- 163. Objection of the Official Committee of Equity Security Holders to Approval of the Motion of Debtors for an Order, Pursuant to Sections 105, 502, 1125, 1126, and 1128 of the Bankruptcy Code and Bankruptcy Rules 2002, 3003, 3017, 3018 and 3020, (I) Approving the Proposed Disclosure Statement and the Form and Manner of the Notice of the Disclosure Statement Hearing, (II) Establishing Solicitation and Voting Procedures, (II) Scheduling A Confirmation Hearing, and (IV) Establishing Notice and Objection Procedures for Confirmation of the Debtors' Joint Plan (3726)
- 164. Order Authorizing the Retention and Employment of Susman Godfrey LLP as Counsel to the Official Committee of Equity Security Holders (3913)
- 165. Notice of Appeal of Official Committee of Equity Security Holders From 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 (3924)
- 166. 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 of Direct Appeal to the United States Court of Appeals for the Third Circuit of its Appeal from Order Denying Appointment of Examiner (3929)
- 167. Emergency Motion to Shorten Notice and Schedule Hearing on 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 of Direct Appeal to the United States Court of Appeals for the Third Circuit of its Appeal from Order Denying Appointment of Examiner (3930)
- 168. Order Shortening Notice With Respect to 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 of Direct Appeal to the United States Court of Appeals for the Third Circuit of its Appeal from Order Denying Appointment of Examiner (4036)

- 169. Debtors' Objection to 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 of Direct Appeal to the United States Court of Appeals for the Third Circuit of its Appeal from Order Denying Appointment of Examiner (4386)
- 170. The Official Committee of Unsecured Creditors' Objection to 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 of Direct Appeal to the United States Court of Appeals for the Third Circuit of its Appeal from Order Denying Appointment of Examiner (4397)
- 171. Eighteenth Monthly Application for Compensation/Reimbursement of FTI Consulting, Inc. (4409)
- 172. Reply in Support of 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 of Direct Appeal to the United States Court of Appeals for the Third Circuit of its Appeal from Order Denying Appointment of Examiner (4437)
- 173. Notice of Agenda of Matters Scheduled for Hearing on 6/3/10 (4487)
- 173. Appellant Official Committee of Equity Security Holders' Designation of Items for Inclusion in the Record on Appeal and Statement of the Issues (4490)
- 174. Transcript of Hearing Held on 6/3/10 (4652)
- 175. Transcript of Meeting of Creditors Held on 10/30/08 (N/A)
- 176. Transcript of Meeting of Creditors Held on 1/28/09 (N/A)
- 177. Copy of docket entries for above-captioned cases (N/A)
- 178. Copy of docket entries for adversary proceeding no. 09-50934 (N/A)
- 179. Copy of docket entries for adversary proceeding no. 09-50551 (N/A)

B. <u>Statement of the Issue to Be Presented</u>

Whether the Bankruptcy Court erred in denying the 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.

Respectfully submitted,

# **ROBERTA A. DeANGELIS UNITED STATES TRUSTEE**

BY: /s/ Joseph J. McMahon, Jr.

Joseph J. McMahon, Jr., Esquire (# 4819) Trial Attorney United States Department of Justice Office of the United States Trustee J. Caleb Boggs Federal Building 844 King Street, Suite 2207, Lockbox 35 Wilmington, DE 19801 (302) 573-6491 (302) 573-6497 (Fax)

Date: June 16, 2010

#### UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

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In re

Chapter 11

WASHINGTON MUTUAL, INC., et al.,<sup>1</sup>

Debtors.

Case Number 08-12229 (MFW) (Jointly Administered)

#### **CERTIFICATE OF SERVICE**

I certify that, on June 17, 2010, I caused to be served a copy/copies of the United States Trustee's Designation of Items to Be Included in the Record on Appeal and Statement of the Issue Presented related to her Notice of Appeal from 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 (BAP-10-57) via first class United States mail (postage prepaid) to the persons listed below.

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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.

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