

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

In re: WASHINGTON MUTUAL, INC., <u>et al.</u> , ¹ Debtors.)))))))))))	Chapter 11 Case No. 08-12229 (MFW) (Jointly Administered) Requested Hearing Date: July 8, 2010 at 10:30 a.m. (ET) Requested Obj. Deadline: At the Hearing Related Docket No. 4893
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**MOTION TO SHORTEN NOTICE AND SCHEDULE HEARING ON MOTION FOR
ORDER AUTHORIZING THE OFFICIAL COMMITTEE
OF EQUITY SECURITY HOLDERS TO FILE SUPPLEMENTAL FILING
REGARDING THE EXAMINER MOTION AND THE SCOPE OF PRODUCTION
UNDER SEAL**

The Official Committee of Equity Security Holders (the “Equity Committee”), by and through its undersigned counsel, hereby moves (the “Motion to Shorten”), pursuant to sections 102 and 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (as amended, the “Bankruptcy Code”), Rules 2002 and 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rules 2002-1(b) 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”), for the entry of an order (i) shortening notice of, and scheduling an emergency hearing on, the *Motion for Order Authorizing the Official Committee of Equity Security Holders to File Supplemental Filing regarding the Examiner Motion and the Scope of Production under Seal* (the “Seal Motion”) for July 8, 2010 at 10:30 a.m. (the “Hearing”) and (ii) allowing objections, if any, to the Seal Motion to be raised at the Hearing. In support thereof, the Equity Committee respectfully represents as follows:

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Washington Mutual, Inc. (3725) and WMI Investment Corp. (5396). The Debtors’ principal offices are located at 1301 Second Avenue, Seattle, Washington 98101.



JURISDICTION

1. This Court has jurisdiction over these matters pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceedings pursuant to 28 U.S.C. § 157(b). Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The predicates for the relief requested herein are sections 102 and 105(a) of the Bankruptcy Code, Bankruptcy Rules 2002 and 9006 and Local Rules 2002-1(b) and 9006-1(e).

BACKGROUND

3. The relevant background facts are set forth in the Seal Motion and the Supplement (defined below), filed contemporaneously herewith, and incorporated herein by reference.²

RELIEF REQUESTED

4. By this Motion to Shorten, the Equity Committee respectfully requests that the Court enter an order (i) shortening notice of, and scheduling an emergency hearing on, the Seal Motion for July 8, 2010 at 10:30 a.m. and (ii) allowing objections, if any, to the Seal Motion to be raised at the Hearing.

5. In accordance with Local Rule 9006-1(c) and Bankruptcy Rule 2002, parties generally are required to provide a total of seventeen days notice of motions (if service is by mail) to the parties in interest specified in Local Rule 2002-1(b). However, Local Rule 9006-1(e) provides that the Court may shorten this notice period “on written motion (served on all interested parties) specifying the exigencies justifying shortened notice.” DEL. BANKR. L.R. 9006-1(e).

6. The Equity Committee respectfully requests that sufficient cause exists for

² Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.

shortening notice of, and scheduling an emergency hearing on, the Seal Motion and approving the requested objection deadline.

7. By the Seal Motion, the Equity Committee seeks to file under seal its *Supplemental Filing Regarding the Examiner Motion and the Scope of Production* (the “Supplement”). The Supplement discusses a document that was produced to the Equity Committee by the Debtors under the *Interim Order Pursuant to Federal Rule of Evidence 502(d)* (the “Rule 502(d) Work Product Order”) [Docket No. 4740]. As more fully set forth in the Seal Motion and the Supplement, the document is relevant to the issue of whether to appoint an examiner in these cases, and therefore would be helpful to the Court in considering the Equity Committee’s examiner motion [Docket No. 4644], which is scheduled to be heard at the July 8, 2010 omnibus hearing. In light of the fact that the two motions involve similar issues, consideration of the Seal Motion at the same time as the Court hears the examiner motion would benefit all parties in interest and conserve judicial resources. Therefore, the two motions should be heard together to allow the Court to consider, and the parties to be heard on, the examiner issue simultaneously.

8. Pursuant to the Rule 502(d) Work Product Order, confidential documents received from the Debtors may be submitted to the Court only pursuant to sealing. Thus, in order for the Court to consider the Supplement in connection with the examiner motion, the Court must first consider the Seal Motion. Since the examiner motion is scheduled to be heard on July 8, 2010, exigent circumstances exist requiring the Court to shorten notice with respect to the Seal Motion so that it may also be heard on July 8, 2010 – at the same time as the examiner motion.

NOTICE

9. Notice of this Motion to Shorten has been provided to (i) the United State Trustee; (ii) counsel to the Debtors; and (iii) those parties who have requested service pursuant to Bankruptcy Rule 2002, in accordance with Local Rule 2002-1(b). In light of the nature of the relief requested herein, the Equity Committee submits that no other or further notice need be provided.

NO PRIOR REQUEST

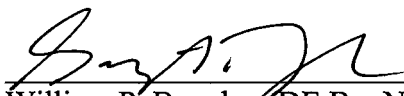
10. No previous request for the relief requested herein has been made to this or any other court.

CONCLUSION

WHEREFORE, the Equity Committee respectfully requests entry of an order, substantially in the form attached hereto as Exhibit A, (i) shortening notice of, and scheduling an emergency hearing on, the Seal Motion for July 8, 2010 at 10:30 a.m.; (ii) allowing objections, if any, to the Seal Motion to be raised at the Hearing; and (iv) granting such other and further relief as the Court deems appropriate.

Dated: July 7, 2010
Wilmington, Delaware

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Exhibit A
[Proposed Order]

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

		Chapter 11
In re:)	
)	Case No. 08-12229 (MFW)
WASHINGTON MUTUAL, INC., <u>et al.</u> , ¹)	
)	(Jointly Administered)
Debtors.)	
)	Related Docket No. _____

**ORDER SHORTENING NOTICE AND SCHEDULING HEARING ON MOTION
OF THE OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS
FOR AUTHORITY TO FILE SUPPLEMENTAL FILING REGARDING THE
EXAMINER MOTION AND THE SCOPE OF PRODUCTION UNDER SEAL**

Upon consideration of the *Motion to Shorten Notice and Scheduling Hearing on Motion of the Official Committee of Equity Security Holders to File Supplemental Filing regarding the Examiner Motion and the Scope of Production Under Seal* (the "Motion to Shorten")² filed by the Official Committee of Equity Security Holders (the "Equity Committee"), the Court finds that it has jurisdiction over this matter pursuant to 28 U.S.C. § 157 and 1334; this is a core proceeding pursuant to 28 U.S.C. § 157(b); venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; the relief requested in the Seal Motion is in the best interests of the Debtors, their estates and creditors; proper and adequate notice has been given and no other or further notice is necessary; after due deliberation and sufficient cause appearing thereof, it is hereby:

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion to Shorten is **GRANTED**.
2. The Seal Motion shall be heard at the omnibus hearing scheduled for July 8, 2010

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Washington Mutual, Inc. (3725) and WMI Investment Corp. (5396). The Debtors' principal offices are located at 1301 Second Avenue, Seattle, Washington 98101.

² All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.

at 10:30 a.m. (ET).

3. Any objections to the relief requested in the Seal Motion shall be raised at the omnibus hearing scheduled for July 8, 2010 at 10:30 a.m. (ET).

4. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: Wilmington, Delaware
July _____, 2010

THE HONORABLE MARY F. WALRATH
UNITED STATES BANKRUPTCY COURT