

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

WASHINGTON MUTUAL, INC., et al.,¹

Debtors.

Chapter 11

Case No. 08-12229 (MFW)

Jointly Administered

Related to Docket No. 5234

Docket #5259 Date Filed: 8/10/2010

**ORDER AUTHORIZING THE EXAMINER TO DEMAND AND ISSUE SUBPOENAS
COMPELLING THE PRODUCTION OF DOCUMENTS AND THE ORAL
EXAMINATION OF PERSONS AND ENTITIES**

Upon the *Examiner's Work and Expenses Plan/Report and his Motion for Additional Relief* (the "Work Plan")² filed by Joshua R. Hochberg as examiner in these cases (the "Examiner"); and notice thereof having been served upon the United States Trustee, counsel to the Debtors, counsel to the Equity Committee, and all parties who have filed a notice of appearance in the Chapter 11 Cases pursuant to Fed. R. Bankr. P. 2002; the Court finding that such notice is appropriate and sufficient under the circumstances; the Court having reviewed the Motion and other papers filed in respect thereof; and finding good cause to grant the Motion, it is

ORDERED, ADJUDGED, and DECREED:

1. The Examiner is hereby authorized, pursuant to Bankruptcy Rule 2004, to demand and compel by way of subpoena: (1) the oral examination, under oath, of Discovery Parties and (2) the production of documents that may be relevant to the Investigation or lead the Examiner to information that is relevant to the Investigation.

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 Capitalized terms used but not defined herein shall have the meaning set for in the Work Plan.



2. The Examiner is hereby authorized to use the following procedures in connection with the Examiner's issuance of any subpoena:

(a) Except as otherwise agreed by the Examiner, or subsequently ordered by the Court, a Discovery Party to which a subpoena that seeks documents (whether or not it also seeks testimony) is directed shall, within five (5) days of service of such subpoena: (i) produce all non-privileged documents responsive to such subpoena (unless otherwise agreed by the Examiner); or (ii) file and serve a motion seeking a protective order or making other objections to the subpoena, which the Court shall hear on shortened notice, no later than five (5) days from the filing of such motion.

(b) If a Discovery Party withholds any documents based upon a claim of privilege, he, she, or it must provide the Examiner with a privilege log containing the information required by Bankruptcy Rule 7026 no later than five (5) days after service of a subpoena upon such party (unless otherwise agreed by the Examiner).

(c) If the subpoena so directs, a Discovery Party may be required to appear for an oral examination within five (5) days of service of a deposition subpoena on the Discovery Party, which notice is deemed to be reasonable; provided the party may voluntarily agree to appear for an oral examination sooner and provided that the Discovery Party shall have five (5) days to bring a motion to contest the requirement that he appear for an examination..

(d) As necessary to implement the foregoing, the Examiner and his counsel are authorized to sign and issue a subpoena from any United States Bankruptcy Court for the applicable district in which a Discovery Party resides, does business, maintains documents, or is found, both to obtain documents from a Discovery Party and to

command the attendance of a party at a deposition. The Examiner and his counsel are also authorized to take such actions as may be necessary in any other court in order to enforce subpoenas and otherwise effectuate the terms of the Court's order with respect to this Motion.

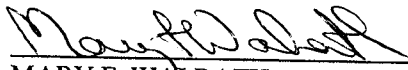
(e) Unless the Examiner determines that doing so would unduly interfere with the Investigation, the Examiner will file in these cases a notice advising that the subpoena has been issued and attaching a copy of the subpoena. The Examiner shall be under no obligation to furnish to any party or other person or entity any communications, documents, or information received from any party or other person or entity to participate in any meetings or conversations between the Examiner and such party.

3. Nothing herein limits the substantive rights of any Discovery Party or any other party under applicable law to object to or oppose any subpoena the Examiner may serve.

4. This Court shall retain jurisdiction to resolve any disputes arising or related to this Order including any discovery disputes that may arise between or among the parties and to interpret, implement, and enforce the provisions of this Order.

5. This Order is without prejudice to the Examiner's right to alter, amend, or modify the Work Plan.

SO ORDERED THIS ¹⁰10 DAY of August, 2010



MARY F. WALRATH
UNITED STATES BANKRUPTCY JUDGE