

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

	X	
	:	
In re	:	Chapter 11
	:	
WASHINGTON MUTUAL, INC., et al., <sup>1</sup>	:	Case No. 08-12229 (MFW)
	:	
Debtors	:	Jointly Administered
	X	
	:	
Black Horse Capital LP, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Adv. Pro. No. 10-51387 (MFW)
	:	
JPMorgan Chase Bank, N.A., <i>et al.</i> ,	:	
	:	
Defendants.	:	
	X	

**DEFENDANT WASHINGTON MUTUAL, INC.'S NOTICE OF DEPOSITIONS  
OF PLAINTIFFS PURSUANT TO RULES 7030 AND 9014  
OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE  
AND RULE 30(B)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

PLEASE TAKE NOTICE that, pursuant to Rules 7030 and 9014 of the Federal Rules of Bankruptcy Procedure and Rule 30(b)(6) of the Federal Rules of Civil Procedure, Defendant Washington Mutual, Inc. for purposes of obtaining discovery, will take the deposition of each of the Plaintiffs through the person or person(s) designated by each such Plaintiff as most knowledgeable to testify regarding the subject matter set forth in the attached Schedule A, which shall be interpreted in accordance with this Notice and the instructions and definitions set forth in Defendants Washington Mutual, Inc., J.P. Morgan Chase & Co., and JP Morgan Chase

<sup>1</sup> 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 925 Fourth Avenue, Seattle, Washington 98104.



Bank, National Association's Combined First Sets of Requests for the Production of Documents and Interrogatories, dated August 27, 2010, a copy of which is attached hereto as Schedule B.

The depositions will be conducted at the offices of Richards, Layton & Finger, P.A., One Rodney Square, 920 North King Street, Wilmington, Delaware 19801, or such other time and location agreed upon by the parties. Such depositions will occur at the following time and dates:

<b>Plaintiff/Rule 30(b)(6) Deponent</b>	<b>Date and Time</b>
Black Horse Capital LLP	October 6, 2010 at 9:00 a.m.
Black Horse Capital Master Fund Ltd.	October 6, 2010 at 1:00 p.m.
Black Horse Capital (QP) LP	October 7, 2010 at 9:00 a.m.
Greywolf Capital Partners II	October 7, 2010 at 1:00 p.m.
Greywolf Overseas Fund	October 8, 2010 at 9:00 a.m.
Guggenheim Portfolio Company VII, LLC	October 8, 2010 at 1:00 p.m.
HFR RVA Combined Master Trust	October 12, 2010 at 9:00 a.m.
IAM Mini-Fund 14 Limited	October 12, 2010 at 1:00 p.m.
LMA SPC for and on behalf of the MAP 89 Segregated Portfolio	October 13, 2010 at 9:00 a.m.
Lone Star Partners LP	October 13, 2010 at 1:00 p.m.
Mariner LDC	October 14, 2010 at 9:00 a.m.
Nisswa Convertibles Master Fund Ltd.	October 14, 2010 at 1:00 p.m.
Nisswa Fixed Income Master Fund Ltd.	October 15, 2010 at 9:00 a.m.
Nisswa Master Fund Ltd.	October 15, 2010 at 1:00 p.m.
Paige Opportunity Partners LP	October 18, 2010 at 9:00 a.m.
Paige Opportunity Partners Master Fund	October 18, 2010 at 1:00 p.m.

Pandora Select Partners, LP	October 19, 2010 at 9:00 a.m.
Pines Edge Value Investors Ltd.	October 19, 2010 at 1:00 p.m.
Riva Ridge Capital Management LP	October 20, 2010 at 9:00 a.m.
Riva Ridge Master Fund, Ltd.	October 20, 2010 at 1:00 p.m.
Scoggin Capital Management II LLC	October 21, 2010 at 9:00 a.m.
Scoggin International Fund Ltd.	October 21, 2010 at 1:00 p.m.
Scoggin Worldwide Fund Ltd.	October 22, 2010 at 9:00 a.m.
Visium Global Master Fund, Ltd.	October 22, 2010 at 1:00 p.m.
VR Global Partners, LP	October 25, 2010 at 9:00 a.m.
Whitebox Asymmetric Partners LP	October 25, 2010 at 1:00 p.m.
Whitebox Combined Partners, LP	October 26, 2010 at 9:00 a.m.
Whitebox Convertible Arbitrage Partners, LP	October 26, 2010 at 1:00 p.m.
Whitebox Hedged High Yield Partners, LP	October 27, 2010 at 9:00 a.m.
Whitebox Special Opportunities Fund, LP, Series B	October 27, 2010 at 1:00 p.m.

Each deposition will be taken before a Notary Public or other person authorized to administer oaths pursuant to Rule 28(a) of the Federal Rules of Civil Procedure, and shall continue day to day, excluding weekends and holidays unless otherwise agreed by the parties, until completed. The testimony at the deposition will be recorded by videographic and stenographic means. You are invited to participate to the extent permitted by the Federal Rules of Bankruptcy Procedure and the Federal Rules of Civil Procedure.

Dated: September 21, 2010  
Wilmington, Delaware



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Mark D. Collins (No. 2981)  
Marcos A. Ramos (No. 4450)  
Chun I. Jang (No. 4790)  
Tyler D. Semmelman (No. 5386)  
RICHARDS, LAYTON & FINGER, P.A.  
One Rodney Square  
920 North King Street  
Wilmington, Delaware 19801  
Telephone: (302) 651-7700  
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– and –

Marcia L. Goldstein, Esq.  
Brian S. Rosen, Esq.  
WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue  
New York, New York 10153  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007

*Attorneys for Debtors  
and Debtors in Possession*

## SCHEDULE A

1. The allegations of the Complaint on which you are suing in this Action.
2. Your decision to become a party in this Action.
3. Your organization and structure.
4. Responses and objections made by you in response to Defendants Washington Mutual, Inc., JPMorgan Chase & Co., and JPMorgan Chase Bank, National Association's Combined First Sets of Requests for the Production of Documents and Interrogatories Directed to Plaintiffs, dated August 27, 2010.
5. Documents produced by you in response to Defendants Washington Mutual, Inc., JPMorgan Chase & Co., and JPMorgan Chase Bank, National Association's Combined First Sets of Requests for the Production of Documents and Interrogatories Directed to Plaintiffs, dated August 27, 2010.
6. Purchases, sales, transfers or other acquisitions or holdings by you of Trust Preferred Securities from February 24, 2006 up to and including September 24, 2008, including:
  - (a) the date of each transaction;
  - (b) the terms of such transaction, including but not limited to the volume of Trust Preferred Securities involved and the price;
  - (c) the reason for each decision to purchase, sell, transfer or otherwise acquire or hold such securities;
  - (d) the person who made the decision and the person or entity on whose behalf the decision was made;
  - (e) any agreements, contracts or communications between Plaintiff and any other person concerning these transactions;

(f) any investment advisors or other consultants advising Plaintiff in connection with these transactions.

7. Purchases, sales, transfers or other acquisitions or holdings by you of Trust Preferred Securities and/or WMI Preferred Equity interests from and including September 25, 2008 through the present, including:

- (a) the date of each transaction;
- (b) the terms of such transaction, including but not limited to the volume of Trust Preferred Securities and/or WMI Preferred Equity interests involved, and the price;
- (c) the reason for each decision to purchase, sell, transfer or otherwise acquire or hold such securities;
- (d) the person who made the decision and the person or entity on whose behalf the decision was made;
- (e) any agreements, contracts or communications between Plaintiff and any other person concerning these transactions; and
- (f) any investment advisors or other consultants advising Plaintiff in connection with these transactions.

8. Purchases, sales, transfers or other acquisitions or holdings by you of WMB or WMI-Related Securities, Investments or Contracts, including:

- (a) the date of each transaction;
- (b) the terms of such transaction, including but not limited to the volume of WMBpr WMI-Related Securities, Investments or Contract involved and the price;
- (c) the reason for each decision to purchase, sell, transfer or otherwise acquire or hold such securities;

(d) the person who made the decision and the person or entity on whose behalf the decision was made;

(e) any agreements, contracts or communications between Plaintiff and any other person concerning these transactions; and

(f) any investment advisors or other consultants advising Plaintiff in connection with these transactions.

9. Any document, database, person or entity relied upon for investment information, market information or other information in connection with any analysis, assessment or consideration to purchase, sell, transfer or otherwise acquire Trust Preferred Securities or WMB or WMI-Related Securities, Investments or Contracts.

10. Your reliance on statements and/or filings by any Defendant in this Action that the Complaint alleges are false, misleading and/or contain any omissions of material fact.

11. Your knowledge and understanding of the conditional exchange feature of the Trust Preferred Securities.

12. Communications between any Defendant in this Action and you or any person employed by, representing, or affiliated with you from February 24, 2006 through the present.

13. Communications between you and any person or entity on whose behalf or for whom you purchased or sold or otherwise acquired or transferred Trust Preferred Securities from February 24, 2006 and the present concerning WMB, WMI or Trust Preferred Securities.

14. Your knowledge of WMB and WMI operations from February 24, 2006 through the present.

15. Your investment policies, practices, strategies, criteria or objectives or any third party's investment policies, practices, strategies, criteria or objectives upon which you relied in

purchasing, selling, transferring or otherwise acquiring or holding securities, including, but not limited to:

(a) whether or how your purchases, sales, transfers or other acquisitions or holdings of Trust Preferred Securities or WMB or WMI-Related Securities, Investments or Contracts were consistent with Plaintiff's practices, strategies, criteria or objectives; and

(b) Your other investment activities, unrelated to WMB or WMI, from February 24, 2006 through the present.



## **SCHEDULE B**

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

	X	
	:	
In re	:	Chapter 11
	:	
WASHINGTON MUTUAL, INC., <i>et al.</i> , <sup>1</sup>	:	Case No. 08-12229 (MFW)
	:	
Debtors	:	Jointly Administered
	X	
	:	
Black Horse Capital LP, Black Horse Capital	:	
Master Fund Ltd., Black Horse Capital (QP) LP,	:	
Greywolf Capital Partners II, Greywolf Overseas	:	
Fund, Guggenheim Portfolio Company VII, LLC,	:	
HFR RVA Combined Master Trust, IAM Mini-	:	Adv. Pro.
Fund 14 Limited, LMA SPC for and on behalf of	:	No. 10-51387 (MFW)
the MAP 89 Segregated Portfolio, Lonestar	:	
Partners LP, Mariner LDC, Nisswa Convertibles	:	
Master Fund Ltd., Nisswa Fixed Income Master	:	
Fund Ltd., Nisswa Master Fund Ltd., Paige	:	
Opportunity Partners LP, Paige Opportunity	:	
Partners Master Fund, Pandora Select Partners,	:	
LP, Pines Edge Value Investors Ltd, Riva Ridge	:	
Capital Management LP, Riva Ridge Master	:	
Fund, Ltd., Scoggin Capital Management II LLC,	:	
Scoggin International Fund Ltd., Scoggin	:	
Worldwide Fund Ltd., Visium Global Fund, Ltd.,	:	
VR Global Partners, L.P. Whitebox Asymmetric	:	
Partners LP, Whitebox Combined Partners, LP,	:	
Whitebox Convertible Arbitrage Partners, LP,	:	
Whitebox Hedged High Yield Partners, LP and	:	
Whitebox Special Opportunities LP, Series B,	:	
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
JPMorgan Chase Bank, N.A., JPMorgan Chase &	:	
Co., Washington Mutual, Inc., Washington	:	
Mutual Preferred Funding, LLC, Washington	:	
Mutual Preferred Funding (Cayman) I Ltd.,	:	

<sup>1</sup> The Debtors in these chapter 11 cases and the last four digits of each Debtor's federal tax identification numbers are (i) Washington Mutual, Inc. (3725) and (ii) WMI Investment Corp. (5395).

Washington Mutual Preferred Funding Trust I, :  
Washington Mutual Preferred Funding Trust II, :  
Washington Mutual Preferred Funding Trust III, :  
Washington Mutual Preferred Funding Trust IV :

Defendants. x

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**DEFENDANTS WASHINGTON MUTUAL, INC.,  
JPMORGAN CHASE & CO. AND JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION'S COMBINED FIRST SETS OF  
REQUESTS FOR THE PRODUCTION OF DOCUMENTS  
AND INTERROGATORIES DIRECTED TO PLAINTIFFS**

Pursuant to Federal Rules 26, 33 and 34 of the Federal Rules of Civil Procedure, as incorporated by reference in Rules 7026, 7033, 7034 and 9014 of the Federal Rules of Bankruptcy Procedure, Washington Mutual, Inc. ("WMI") as a Debtor in these jointly administered cases and a defendant in this adversary proceeding, and JPMorgan Chase Bank, N.A. and JPMorgan Chase & Co., as defendants in this adversary proceeding (collectively with WMI, the "Requesting Parties"), serve their Combined First Sets of Requests for the Production of Documents and Interrogatories Directed to each of the above-captioned Plaintiffs ("First Requests"). The Requesting Parties request that each Plaintiff produce for inspection and copying the documents described herein by September 27, 2010 at the offices of Weil, Gotshal & Manges LLP, 1300 Eye Street, N.W., Washington, D.C. 20005. If copies of the documents are provided, they shall be provided by September 27, 2010 to (a) Adam Storchak, Weil, Gotshal & Manges LLP, 1300 Eye Street, N.W., Washington, D.C. 20005 and (b) Stacey Friedman, Sullivan & Cromwell LLP, 125 Broad Street, New York, New York 10004. The Requesting Parties further request that each Plaintiff separately and fully answer in writing and under oath each of the following interrogatories. A true copy of the answers and any objections the Plaintiffs may have to these interrogatories must be served on the undersigned attorneys by

September 27, 2010. Each of the following document requests and interrogatories is to be read in accordance with the definitions and respective instructions that follow.

### **DEFINITIONS**

1. The term “Action” refers to the lawsuit docketed under the caption In re Washington Mutual, Inc., et al., Case No. 08-12229 (MFW) (Bankr. D. Del.) as Adversary Proceeding No. 10-51387.
2. “Communication” is used in its broadest sense and means any transmission or exchange of thoughts, ideas, data, messages, inquires or information of any kind between or among any two or more persons, including, without limitation, between or among employees or agents of a person other than a natural person, whether such transmissions or exchanges are oral or written and whether they are personally, electronically or otherwise generated, transcribed, transmitted or recorded.
3. “Complaint” shall refer to the Complaint for Declaratory and Other Relief, filed on or about July 6, 2010 in the Action.
4. “Concerning” means directly or indirectly mentioning, referring to, relating to, pertaining to, regarding, describing, evidencing, constituting, reflecting, embodying, discussing or having any logical or factual connection whatsoever with regard to the subject matter in question.
5. “Defendants” means JPMorgan Chase Bank, N.A., JPMorgan Chase & Co., WMI, Washington Mutual Preferred Funding, LLC, Washington Mutual Preferred Funding (Cayman) I Ltd., Washington Mutual Preferred Funding Trust I, Washington Mutual Preferred Funding Trust II, Washington Mutual Preferred Funding Trust III, and Washington Mutual Preferred Funding Trust IV.

6. “Document” shall mean any information or thing within the scope of Rule 34(a) of the Federal Rules and includes, without limitation, each and every written, recorded, or graphic matter of any kind, type, nature or description that is or has been in your possession, custody, or control, as defined below, including all printed and electronic copies of electronic mail, computer files maintained in electronic form, correspondence, memoranda, tapes, stenographic or handwritten notes, written forms of any kind, charts, blueprints, drawings, sketches, graphs, plans, articles, specifications, diaries, letters, telegrams, photographs, minutes, contracts, agreements, surveys, computer printouts, data compilations of any kind, teletypes, facsimiles, text messages, instant messages, invoices, order forms, checks, drafts, statements, credit memos, reports, position reports, summaries, indices, books, ledgers, notebooks, schedules, transparencies, recordings, catalogs, advertisements, promotional materials, films, video tapes, audio tapes, CDs, computer disks, brochures, pamphlets, punch-cards, time-slips, or any written or recorded materials of any other kind, however stored (whether in tangible or electronic form), record, produced, or reproduced. A draft or non-identical copy is a separate document within the meaning of this term.

7. “Identify” means:

(a) as applied to a natural person, to state the person’s full name, title, present or last known address and telephone number, present or last known employer, and present or last known business address and telephone number;

(b) as applied to a business entity, to state the entity’s full name and present or last known business address and telephone number;

(c) as applied to an oral communication, to state the time, date and place of such communication, whether it was in person or by some other means, the identity of

each person who was present or who participated in such communication, and the substance of the communication; and

(d) as applied to a document, to state the type of document, the date of the document, the names of the individuals who drafted, authored or signed the document, the names of the individuals to whom the document or a copy thereof was addressed or sent, the substance of the document, the present whereabouts of the document, and the name and address of the custodian of the document.

8. “Person” means all entities of every description and includes any natural person, partnership, corporation, proprietorship, unincorporated association, governmental agency, limited liability company, hedge fund or other fund-type entity, or other form of legal entity.

9. The terms “Plaintiff”, “Plaintiffs”, “you” or “your” refer to plaintiffs in this Action as listed in the caption above and in the Complaint.

10. “Possession, custody or control” means in physical custody of any Plaintiff, or if it is in the physical custody of any other person and a Plaintiff: (a) owns such document in whole or part; (b) has a right by contract, statute or otherwise to use, inspect, examine or copy such document on any terms; (c) has an understanding, express or implied, that the Plaintiff may use, inspect, examine or copy such document on any terms; or (d) has, as a practical matter, been able to use, inspect, examine or copy such document when the Plaintiff has sought to do so. Such documents shall include, without limitation, documents that are in the custody of the Plaintiffs’ attorney(s), other representatives or other agents.

11. The terms “refer” or “relate” or “referring” or “relating” mean all documents and information that comprise, reflect, record, memorialize embody, discuss,

evaluate, consider, review or report on the subject matter of the request, or were reviewed in conjunction with, or were created, generated or maintained as a result of the subject matter of the request.

12. “Rule 2019 Statement” refers to the Verified Second Amended Statement of Brown Rudnick LLP and Campbell & Levine LLC Pursuant to Rule 2019 of the Federal Rules of Bankruptcy Procedure, filed on or about July 26, 2010 in In re Washington Mutual, Inc. et al., Case No. 08-12229 (MFW) (Bankr. D. Del.).

13. “Trust Preferred Securities” refers to: (a) Washington Mutual Preferred Funding (Cayman) I Ltd. 7.25% Perpetual Non-Cumulative Preferred Securities, Series A-1 and Series A-2, as described in an offering circular dated February 24, 2006 (the “WaMu Cayman TPS”); (b) Washington Mutual Preferred Funding Trust I Fixed-to-Floating Rate Perpetual Non-Cumulative Trust Securities, as described in an offering circular dated February 24, 2006 (the “WaMu Delaware I TPS”); (c) Washington Mutual Preferred Funding Trust II Fixed-to-Floating Rate Perpetual Non-Cumulative Trust Securities, as described in an offering circular dated December 6, 2006 (the “WaMu Delaware II TPS”); (d) Washington Mutual Preferred Funding Trust III Fixed-to-Floating Rate Perpetual Non-Cumulative Trust Securities, as described in an offering circular dated May 21, 2007 (the “WaMu Delaware III TPS”); and (e) Washington Mutual Preferred Funding Trust IV Fixed-to-Floating Rate Perpetual Non-Cumulative Trust Securities, as described in an offering circular dated October 18, 2007 (the “WaMu Delaware IV TPS”).

14. “WMB” refers to Washington Mutual Bank, N.A.

15. “WMB or WMI-Related Securities, Investments or Contracts” refers to all securities, investments, financial contracts, stocks, options, bonds, convertibles, derivatives,

private securities, direct investments and notes (including but not limited to the notes, securities and warrants referred to in Paragraphs 6 and 7 of the Rule 2019 Statement) with or in WMB, WMI, or entities affiliated with WMB or WMI, excluding Trust Preferred Securities.

16. "WMPF" refers to Washington Mutual Preferred Funding, LLC.

#### **INSTRUCTIONS FOR DOCUMENT REQUESTS**

1. Each request is to be responded to by each Plaintiff separately.
2. Documents should be produced as they are kept in the files of Plaintiffs or shall be organized and labeled to correspond with the requests below. If documents are produced as they are kept in the files of Plaintiffs, sufficient information should be provided to permit the Requesting Parties to identify the source of particular documents from within the files of Plaintiffs.

3. In order to bring within the scope of these document requests all information that might otherwise be construed to be outside of their scope, the following rules of construction apply: (a) the singular shall include the plural and vice versa; (b) the masculine, feminine or neuter pronoun shall not exclude other genders or entities; (c) the connectives "and" and "or" shall be read either disjunctively or conjunctively as necessary to bring within the scope of the document requests all responses that might otherwise be construed to be outside their scope; (d) the terms "any," "all" and "each" shall be read to mean any, all, each and every; (e) the word "including" shall be read to mean including without limitation; and (f) the present tense shall be construed to include the past tense and vice versa.

4. These document requests call for the production of documents that are in the possession, custody or control of any Plaintiff. In addition to documents currently in your possession, custody or control, you are to produce all documents within the scope of these



requests that are not currently in your possession, custody or control, but can be obtained through reasonable effort. If any of the documents requested were formerly in your possession, custody or control, but are no longer in your possession, custody or control, state when and what disposition was made of the document and what efforts, if any, you made to obtain each such document in response hereto. Further, if any such document is not in your possession, custody or control, but you know the identity of the entity or person currently in possession, custody or control of such document, state the identity of the entity or person who has the documents, including the address and telephone number of the entity or person. In the event that a copy of a requested document is not identical to any other copy of the same document, by reason of alterations, notes in the margins, comments, etc., all non-identical copies shall be produced separately. All documents that are physically attached to each other when located for production shall be left so attached.

5. If you object to any portion or aspect of a request, produce all documents responsive to the remainder of the request.

6. Unless otherwise indicated, these document requests pertain to the period January 1, 2006 to the present.

7. If information is redacted from a document produced pursuant to any of the document requests herein, identify the redaction by stamping the word "Redacted" on the document at the place where information has been redacted and separately log each redaction on the privilege log described in the above paragraph.

8. Each paragraph and subparagraph herein should be construed independently and not by reference to any other paragraph or subparagraph of these document requests for purposes of limitation.

9. If you object to the production of any of the documents or any portion of the documents requested on the grounds of privilege or any other grounds, for each document, state: (a) the nature of the privilege which is being claimed and, if the privilege is governed by state law, indicate the state's privilege rule being invoked; (b) the type of document; (c) the general subject matter of the document; (d); the date of the document; and (e) such other information as is sufficient to identify the document for a subpoena *duces tecum*, including, where appropriate, the author of the document, the addressees of the document, and any other recipients of the document (including each person who was carbon or blind copied the document), and where not apparent, the relationship of the author, addressees, and recipients to each other.

10. If there are no documents responsive to any of the following document requests, please provide a written response stating so.

11. These document requests shall be deemed continuing as provided in Fed. R. Civ. P. Rule 26(e) so as to require further, amended, or supplemental production if additional documents called for by the First Requests are obtained by Plaintiffs between the time of the initial production and the time of trial.

12. Nothing herein shall prejudice or be deemed a waiver by the Defendants of any claims or defenses to the Complaint (including, without limitation, as to jurisdiction) or to concede or otherwise suggest that any Plaintiff in fact owns or has owned Trust Preferred Securities.

### INSTRUCTIONS FOR INTERROGATORIES

1. Each Interrogatory is to be responded to separately under oath by each Plaintiff.
2. Each interrogatory shall be construed independently and not with reference to any other interrogatory for the purpose of limitation or exclusion.
3. If you object to any interrogatory, please state with specificity the grounds for such an objection.
4. If an interrogatory cannot be answered in full, answer to the extent possible, specifying the reason why the remainder cannot be answered and the efforts made to supply a complete answer.
5. Separate and complete responses (or, as the case may be, separate objections) are required for each interrogatory or subpart thereof.
6. These interrogatories extend to any information in your possession, custody or control, including but not limited to any of your respective employees, agents, attorneys, or other persons acting or purporting to act on your behalf.
7. In the event any information responsive to any interrogatory is withheld based upon a claim of attorney-client, work-product or any other privilege or immunity, explain the basis of the privilege or other protection you are claiming and provide a general description of the nature of the information you are withholding.
8. These interrogatories shall be deemed continuing so as to require prompt supplemental responses if you learn additional information responsive to these interrogatories

between the time of the initial response to these interrogatories and the time of the final judgment in this action.

### **DOCUMENTS REQUESTED**

1. All documents concerning the allegations of the Complaint, including: (a) all documents concerning any source of the allegations in the Complaint; (b) all documents that support, refute, or otherwise relate to any allegation in the Complaint; and (c) all documents used or relied upon in preparing the Complaint.

2. All documents received from any state or federal governmental or regulatory agency or any self-regulatory organization, including the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the New York Stock Exchange, the Securities and Exchange Commission, the Attorney General of the State of New York or his office, or any other person concerning the allegations in the Complaint, including any documents received pursuant to any request made under the federal Freedom of Information Act, the Delaware Freedom of Information Act, New York's Freedom of Information Law, Washington's Public Disclosure Act, and similar regulatory or statutory provisions.

3. All documents concerning any purchase, sale, acquisition or other transfer of Trust Preferred Securities by or on behalf of any Plaintiff including, but not limited to, trading records, receipts, brokerage account statements, confirmations of such transactions and certificates purportedly evidencing ownership of Trust Preferred Securities.

4. All documents concerning any due diligence, investigation, assessment or evaluation performed by or on behalf of any of Plaintiffs in connection with any decision to purchase, sell or otherwise acquire or transfer Trust Preferred Securities up to the the present, including, but not limited to: (a) diaries, calendars and time entries concerning such activities;

and (b) all documents concerning the risks actually or potentially involved in investing in any Trust Preferred Securities.

5. All documents created, considered, collected, reviewed, obtained or otherwise received by any Plaintiff in connection with any analysis, assessment or consideration of the value of Trust Preferred Securities at any time up to the present.

6. All investment advisory agreements to which any of the Plaintiffs are or were a party that relate to or affect the decision to purchase, sell or otherwise acquire Trust Preferred Securities.

7. All documents concerning any purchase, sale, acquisition or other transfer of WMB or WMI-Related Securities, Investments or Contracts by or on behalf of any Plaintiff, including but not limited to, trading records, receipts, brokerage account statements, confirmations of such transactions and stock certificates evidencing current ownership of WMB or WMI-Related Securities, Investments or Contracts.

8. All documents concerning any due diligence, investigation, assessment or evaluation performed by or on behalf of Plaintiffs in connection with any decision to purchase, sell or otherwise acquire or transfer WMB or WMI-Related Securities, Investments or Contracts between February 24, 2006 and the present including, but not limited to: (a) diaries, calendars and time entries concerning such activities; and (b) all documents concerning the risks actually or potentially involved in investing in any WMB or WMI-Related Securities, Investments or Contracts.

9. All documents created, considered, collected, reviewed, obtained or otherwise received by any Plaintiff in connection with any analysis, assessment or consideration of the value of WMB or WMI-Related Securities, Investments or Contracts.

10. All investment advisory agreements to which Plaintiffs are or were a party that relate to or affect the decision to purchase, sell or otherwise acquire WMB or WMI-Related Securities, Investments or Contracts.

11. All Communications between Plaintiffs and WMI, WMB, WMPF, Washington Mutual Preferred Funding (Cayman) I, Ltd., Washington Mutual Preferred Funding Trust I, Washington Mutual Preferred Funding Trust II, Washington Mutual Preferred Funding Trust III and Washington Mutual Preferred Funding Trust IV, and all documents concerning such communications.

12. All documents concerning your communications about the Trust Preferred Securities with any person, including any communications with your financial representatives, securities dealers or brokers, financial or investment advisors, research analysts, or investors.

13. All documents concerning any communications between you and any other Plaintiff in the Action or any plaintiff or potential plaintiff in any other actual or potential litigation involving the Trust Preferred Securities.

14. All documents concerning your communications with any person about WMI, WMB, the Office of Thrift Supervision, the Conditional Exchange feature described in ¶ 60 of the Complaint, or the treatment of the Trust Preferred Securities as “Tier 1 capital” or “core capital” by any federal regulator or WMI.

15. All documents concerning the investment policies, procedures, practices, guidelines or criteria governing investments or investment decision made by or on behalf of any of the Plaintiffs including, but not limited to all documents concerning: (a) investment objectives of Plaintiffs; (b) permissible investments by or on behalf of Plaintiffs; (c) risk analysis or risk evaluation with respect to the purchase, holding or sale of securities by or on behalf of Plaintiffs;

(d) Plaintiffs' risk tolerance with respect to the purchase, holding or sale of securities; and (e) the use of risk consultants with respect to the purchase, holding or sale of securities by or on behalf of Plaintiffs.

16. All documents concerning the investment policies, procedures, practices, guidelines or criteria governing investments or investment decisions made by or on behalf of any of the Plaintiffs related to (a) any security containing an exchange provision by which the security is to be exchanged with another if certain events occur; and (b) any security that directly or indirectly draws value from the assets of a federally regulated bank or thrift and that is treated as "Tier 1 capital" or "core capital."

17. For each Plaintiff, documents sufficient to show:

(a) quarter-end portfolio holdings for all Trust Preferred Securities from February 24, 2006 until the present;

(b) all trading activity for all Trust Preferred Securities purportedly owned by the Plaintiff from February 24, 2006 until the present, including (i) the purchase price Plaintiff actually paid for each and any of the Trust Preferred Securities purportedly owned; (ii) the identity of the person or entity from which Plaintiff purportedly purchased each and any of the Trust Preferred Securities; (iii) the date of each and any purported purchase of the Trust Preferred Securities;

(c) all hedging activity for all Trust Preferred Securities purportedly owned by the Plaintiff from February 24, 2006 until the present; and

(d) all trading activity for all positions in WMB or WMI-Related Securities, Investments or Contracts, including (i) the purchase price Plaintiff actually paid for each and any of the WMB or WMI-Related Securities, Investments or Contracts; (ii) the identity of the person

or entity from which Plaintiff purchased each and any of the WMB or WMI-Related Securities, Investments or Contracts; (iii) the date of each and any purchase of the WMB or WMI-Related Securities, Investments or Contracts.

18. All documents concerning any agreements, contracts or understandings between and/or among any of the Plaintiffs and any person concerning any Trust Preferred Securities or WMB or WMI-Related Securities, Investments or Contracts at any time.

19. All documents concerning the amount of loss or damage allegedly suffered by you, by reason of any matter or allegation set forth in the Complaint, or concerning the method of calculating that alleged loss or damage.

20. All documents concerning any action brought against you, or against any entity of which you are or were an owner, director, officer, employee, or agent, at any time, in a federal or state court, and any other arbitrations, claims, or complaints in any forum, brought against you or against any entity of which you are or were an owner, director, officer, employee, or agent.

21. Documents sufficient to show all email accounts, email addresses, and domain names, used by you or on your behalf, and web sites created, hosted, operated, or maintained by you or on your behalf, whether for personal use or for business, as well as the names and addresses of all Internet Service Providers or other providers of servers or other information management hardware, software, or services relating to those email accounts, email addresses, domain names, and web sites.

22. All documents upon which any Plaintiff relies in answering the interrogatories below.



## INTERROGATORIES

1. Describe each Plaintiff by setting forth:
  - (a) its name (including any name under which it has done business since February 24, 2006);
  - (b) its address and/or the address of each of its offices;
  - (c) the date and location of its organization, incorporation and/or commencement of business;
  - (d) the business in which it is engaged; and
  - (e) the identity of each of its subsidiaries or affiliates.
2. Identify any person or entity (including, but not limited to, any person or entity affiliated with, employed by or associated with Plaintiffs) who considered, evaluated and/or made a decision to purchase or sell or otherwise acquire or transfer Trust Preferred Securities, and for each such person or entity, provide a description of what he, she, or it did with respect to the decision to purportedly purchase or sell or otherwise acquire or transfer the Trust Preferred Securities.
3. For each sale, purchase, other acquisition or transfer of Trust Preferred Securities made by Plaintiffs between February 24, 2006 and the present, identify:
  - (a) the person or entity (including, but not limited to any corporation, employee benefit plan, investment fund, mutual fund, private investor, endowment or foundation) on whose behalf Trust Preferred Securities were purportedly purchased or sold or otherwise acquired or transferred;
  - (b) the specific type and number of Trust Preferred Securities purportedly purchased, sold or otherwise acquired or transferred;

(c) the date on which the Trust Preferred Securities were purportedly purchased, sold or otherwise acquired or transferred;

(d) the price of the Trust Preferred Securities at the time of the purported purchase, sale or other acquisition or transfer in the native currency of the market on which the Trust Preferred Securities were purchased sold or otherwise acquired or transferred;

(e) your accounting treatment of the Trust Preferred Securities purportedly purchased, sold or otherwise acquired or transferred;

(f) the reason(s) for which the Trust Preferred Securities were purportedly purchased, sold or otherwise acquired or transferred, including, but not limited to the identification of any research materials and/or other documents (whether prepared by the Plaintiff or others) upon which the Plaintiff relied in making those transactions; and

(g) the persons with knowledge about the information provided in response to subparagraphs (a) – (f) above.

4. Identify any person or entity (including, but not limited to, any person or entity affiliated with, employed by or associated with any of the Plaintiffs), brokerage firm, stockbroker, investment committee, or other investment advisor involved in the purchase, sale or other acquisition or transfer of Trust Preferred Securities by or on behalf of any of the Plaintiffs, and for each such person or entity, provide a description of what he, she, or it did with respect to the decision to purportedly purchase, sell, acquire or transfer the Trust Preferred Securities.

5. Identify any person or entity (including, but not limited to, any person or entity affiliated with, employed by or associated with any of the Plaintiffs) that considered, evaluated and/or made a decision to purchase or sell or otherwise acquire or transfer WMB or WMI-Related Securities, Investments or Contracts, and for each such person or entity, provide a

description of what he, she, or it did with respect to the decision to purchase or sell or otherwise acquire or transfer the Trust Preferred Securities.

6. For each sale, purchase, other acquisition or transfer of WMB or WMI-Related Securities, Investments or Contracts, identify:

(a) the person or entity (including, but not limited to any corporation, employee benefit plan, investment fund, mutual fund, private investor, endowment or foundation) on whose behalf WMB or WMI-Related Securities, Investments or Contracts were purchased or sold or otherwise acquired or transferred;

(b) the specific type and number of WMB or WMI-Related Securities, Investments or Contracts purchased, sold or otherwise acquired or transferred;

(c) the date on which the WMB or WMI-Related Securities, Investments or Contracts were purchased, sold or otherwise acquired or transferred;

(d) the specific market on which the WMB or WMI-Related Securities, Investments or Contracts were purchased, sold or otherwise acquired or transferred;

(e) the price of the WMB or WMI-Related Securities, Investments or Contracts at the time of the purchase, sale or other acquisition or transfer in the native currency of the market on which the Trust Preferred Securities were purchased sold or otherwise acquired or transferred;

(f) your accounting treatment of the WMB or WMI-Related Securities, Investments or Contracts purchased, sold or otherwise acquired or transferred; and

(g) the reason(s) for which the WMB or WMI-Related Securities, Investments or Contracts were purchased, sold or otherwise acquired or transferred, including, but not limited

to the identification of any research materials and/or other documents (whether prepared by the Plaintiff or others) upon which the Plaintiff relied in making those transactions.

7. Identify each individual who supplied information for and/or participated in the preparation of Plaintiffs' answers to these interrogatories.

Dated: August 27, 2010  
Wilmington, Delaware



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**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 21st day of September, 2010, he caused a copy of the foregoing *Defendant Washington Mutual, Inc.'s Notice of Depositions of Plaintiffs Pursuant to Rules 7030 and 9014 of the Federal Rules of Bankruptcy Procedure and Rule 30(b)(6) of the Federal Rules of Civil Procedure* to be served on the following counsel in the manner indicated:

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