

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

_____	X	
	:	Chapter 11
In re	:	
	:	Case No. 08-12229 (MFW)
WASHINGTON MUTUAL, INC., et al.,	:	
	:	
Debtors	:	Jointly Administered
_____	X	

**NOTICE OF DEPOSITION OF THE OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS OF WASHINGTON MUTUAL, INC.  
BY RULE 30(b)(6) REPRESENTATIVE**

TO: Official Committee of Unsecured Creditors of Washington Mutual, Inc.  
c/o Fred S. Hodara, Esq.  
Akin Gump Strauss Hauer & Feld LLP  
One Bryant Park  
New York, NY 10036

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure and Rules 7030 and 9014 of the Federal Rules of Bankruptcy Procedure, the Consortium of Trust Preferred Securities Holders, as parties-in-interest in the above-captioned chapter 11 proceedings, by and through their undersigned attorneys, will take the deposition of a designated representative of the Official Committee of Unsecured Creditors of Washington Mutual, Inc pursuant to Fed. R. Civ. P. 30(b)(6). Fed. R. Civ. P. 30(b)(6) requires the deponent to designate one or more officers, directors, managing agents or other persons with the most particularized knowledge as to the matters listed on Schedule A, Topics Of Inquiry. The deposition will take place on **November 15, 2010, at 10 a.m.** at the offices of **Campbell & Levine LLC, 800 North King Street, Suite 300, Wilmington, DE 19801** and will continue from day to day thereafter until complete. The deposition will be taken before an authorized court reporter or other officer authorized by law to administer oaths and will be recorded by



stenographic means. The deposition will be taken according to the Federal Rules of Bankruptcy Procedure for the purpose of discovery, use as evidence at any hearing or trial, or any other purpose allowed by law.

Dated: Wilmington, Delaware  
October 12, 2010

**CAMPBELL & LEVINE LLC**

/s/ Kathleen Campbell Davis  
Marla Rosoff Eskin, Esq. (DE 2989)  
Bernard G. Conaway, Esq. (DE 2856)  
Kathleen Campbell Davis, Esq. (DE 4229)  
800 North King Street, Suite 300  
Wilmington, DE 19809  
(302) 426-1900  
(302) 426-9947 (fax)

– and –

**BROWN RUDNICK LLP**

Robert J. Stark, Esq.  
Sigmund Wissner-Gross, Esq.  
Seven Times Square  
New York, NY 10036  
(212) 209-4800  
(212) 209-4801 (fax)

– and –

Jeremy B. Coffey, Esq.  
James W. Stoll, Esq.  
Daniel J. Brown, Esq.  
One Financial Center  
Boston, MA 02111  
(617) 856-8200  
(617) 856-8201 (fax)

*Counsel to the TPS Consortium*

## **SCHEDULE A –TOPICS OF INQUIRY FOR OFFICIAL COMMITTEE**

### **I. DEFINITIONS**

1. The words “and” and “or” are to be construed both conjunctively and disjunctively. The singular form of a noun or pronoun includes the plural form and vice versa. The word “all” shall also include “each of,” and vice versa.

2. “Communication” means any oral or written utterance, notation, or statement of any nature whatsoever between or among two or more persons, by or to whomsoever made, and including, without limitation, correspondence, documents, conversations, dialogues, discussions, e-mails, interviews, consultations, agreements, and other understandings.

3. As used herein, the term “Disclosure Statement” shall mean the Disclosure Statement for the Fifth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code, filed on or about July 1, 2010 in the Debtors’ Chapter 11 cases, including any prior or subsequent versions and/or any drafts of the Disclosure Statement.

4. “Document” means any printed, written, typed, recorded, transcribed, taped, photographic, or graphic matter, however produced or reproduced, including but not limited to: any letter, correspondence, or communication of any sort; film, print or negative of photograph; sound recording, video recording; note, notebook, diary, calendar, minutes, memorandum, contract, agreement, or any amendment thereto; telex, telegram, cable; summary, report or record of telephone conversation, voice mail or voice mail back-up, personal conversation, discussion, interview, meeting, conference, investigation, negotiation, act or activity; projection, work paper, or draft; computer or computer network output or input, hard or floppy disc, electronic mail, magnetic and/or optical medias, archived or back up data on any of these medias, and documents that have been deleted but are recoverable from any of these medias; opinion or report of consultant; request, order, invoice or bill of lading; analysis, diagram, map, index, sketch, drawing, plan, chart, manual, brochure, pamphlet, advertisement, circular, newspaper or magazine clipping, press release; receipt, journal, ledger, schedule, bill, or voucher; financial statement, statement of account, bank statement, checkbook, stubs, or register, canceled check, deposit slip, charge slip, tax return (income or other), requisition; file, study, graph, tabulation, and any and all other writings and recordings of whatever nature, whether signed or unsigned or transcribed, and any other data compilation from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonably usable form.

5. As used herein, the term “Global Settlement Agreement” shall mean the Proposed Global Settlement Agreement or the Global Settlement Agreement, each as defined in any version of the Disclosure Statement and/or Plan.

6. As used herein, the term “Person” means any natural person or any business, legal, or governmental entity or association.

7. As used herein, the term “Plan” means the Fifth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code, filed on or about July 1,

2010 in the Debtors' Chapter 11 cases, including any prior or subsequent versions and/or any drafts of the Plan.

8. "Referring to," "relating to," "evidencing" or "constituting" mean containing, comprising, embodying, mentioning, indicating, supporting, proving, showing, relating, or referring in any way, in whole or in part, including, but not limited to documents underlying, supporting, currently or previously attached or appended to, or used in the preparation of any document called for by the request.

9. As used herein, the term "Settlement Parties" means those signatories to the Global Settlement Agreement.

10. As used herein, the term "Trust Preferred Securities" shall mean and refer to the following securities:

- 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").

11. As used herein, the terms "You," "Your" and "Official Committee" mean and refer to the Official Committee of Unsecured Creditors, including all of the Official Committee members and counsel for the Official Committee, and their respective representatives, officers, employees, parents subsidiaries and/or affiliates.

12. Unless otherwise defined herein, capitalized terms shall bear the meanings ascribed thereto in the Disclosure Statement and/or Plan, as applicable.

## II. TOPICS OF INQUIRY

1. The Conditional Exchange.
2. The Downstream Undertaking.
3. The Trust Preferred Securities.
4. Any and all communications between the Official Committee of Unsecured Creditors (“Official Committee”), the Debtors, and/or any other parties to the Global Settlement Agreement regarding the Trust Preferred Securities and/or any assets associated with the Trust Preferred Securities.
5. Any and all communications between the Official Committee, the Debtors, and/or any other parties to the Global Settlement Agreement regarding the acquisition by JPMC of certain assets of Washington Mutual Bank and/or the Debtors.
6. Negotiation of the terms of the proposed Global Settlement Agreement and/or the Plan.
7. Any analysis performed by the Official Committee, FTI Consulting, Inc., or any other third party relating to the Global Settlement Agreement and/or the Plan.
8. Any valuation performed by the Official Committee, FTI Consulting, Inc., or any other third party relating to the Global Settlement Agreement.
9. The purported “Settlement with the REIT Series Holders” referenced in Section I.C.8 of the Debtors’ Disclosure Statement, including but not limited to the negotiation of that “settlement” and the identity(ies) of the party(ies) claimed to have negotiated that “settlement.”
10. The treatment of the Trust Preferred Securities under the Global Settlement Agreement and/or the Plan.
11. The releases, exculpations and/or injunctions proposed to be granted or issued under the Global Settlement Agreement and/or the Plan, including but not limited to the negotiation of such releases, exculpations and/or releases and the identity(ies) of the party(ies) claimed to have negotiated those releases, exculpations and/or injunctions.

# 8267634

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

In re:	)	
	)	Chapter 11
WASHINGTON MUTUAL, INC., et al.,	)	
	)	Case No. 08-12229 (MFW)
Debtors	)	Jointly Administered

**CERTIFICATE OF SERVICE**

I, Kathleen Campbell Davis, of Campbell & Levine, LLC, hereby certify that on October 12, 2010, I caused a copy of the foregoing *Notice of Deposition of the Official Committee of Unsecured Creditors of Washington Mutual, Inc. by Rule 30(b)(6) Representative* to be served upon the individuals listed below via First Class Mail.

Washington Mutual, Inc.  
c/o Charles E. Smith, Esq.  
925 Fourth Avenue  
Seattle, Washington 98104

Brian S. Rosen, Esq.  
Weil, Gotshal & Manges LLP  
767 Fifth Avenue  
New York, NY 10153

Mark D. Collins, Esq.  
Richards Layton & Finger, PA  
One Rodney Square  
920 North King Street  
Wilmington, DE 19899

Peter Calamari, Esquire  
Quinn Emanuel Urquhart &  
Sullivan LLP  
55 Madison Avenue, 22<sup>nd</sup>  
Floor  
New York, NY 10010

Joseph McMahon, Esq.  
Office of the United States  
Trustee  
844 King Street, Suite 2207  
Lockbox 35  
Wilmington, DE 19899-0035

Fred S. Hodara, Esq.  
Akin Gump Stauss Hauer &  
Feld LLP  
One Bryant Park  
New York, NY 10036

David B. Stratton, Esq.  
Pepper Hamilton LLP  
Hercules Plaza, Suite 5100  
1313 N. Market Street  
Wilmington, DE 19801

William P. Bowden, Esq.  
Ashby & Geddes, P.A.  
500 Delaware Avenue  
8<sup>th</sup> Floor  
P.O. Box 1150  
Wilmington, DE 19899

Stacey R. Friedman, Esq.  
Sullivan & Cromwell LLP  
125 Broad Street  
New York, NY 10004

Adam G. Landis, Esq.  
Landis Rath & Cobb LLP  
919 Market Street  
Suite 1800  
P.O. Box 2087  
Wilmington, DE 19899

Stephen D. Susman, Esq.  
Seth Ard, Esq.  
Susman Godfrey LLP  
654 Madison Avenue, 5<sup>th</sup> Fl  
New York, NY 10065-8404

Parker C. Folse, III, Esq.  
Edgar G. Sargent, Esq.  
Justin A. Nelson, Esq.  
1201 Third Avenue  
Suite 3800  
Seattle, Washington 98101-  
3000

Dated: October 12, 2010

*/s/Kathleen Campbell Davis*

Kathleen Campbell Davis (No. 4229)