

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.)	
)	Requested Hearing Date: December 2, 2010 at 9:30 a.m.
)	Requested Obj. Deadline: At the Hearing
)	Related Docket No. 6151

**MOTION TO SHORTEN NOTICE AND SCHEDULE HEARING
ON MOTION OF THE OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS
FOR AN ORDER AUTHORIZING IT TO (I) UNSEAL, AND PUBLICLY FILE, ITS
MOTION TO STRIKE DECLARATIONS AND ARGUMENTS RELYING ON
EXAMINER’S REPORT OR, IN THE ALTERNATIVE, TO COMPEL PRODUCTION
OF ALL DEBTORS’ WORK PRODUCT AND COMMUNICATIONS RELATED
TO THE EXAMINER’S REPORT AND (II) USE CONFIDENTIAL INFORMATION
AT THE CONFIRMATION HEARING**

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 of the Official Committee of Equity Security Holders for an Order Authorizing it to (I) Unseal, and Publicly File, its Motion to Strike Declarations and Arguments Relying on Examiner’s Report or, in the Alternative, to Compel Production of All Debtors’ Work*

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.



Product and Communications Related to the Examiner's Report and (II) Use Confidential Information at the Confirmation Hearing (the "Motion") for December 2, 2010 at 9:30 a.m. (the "Confirmation Hearing") and (ii) allowing objections, if any, to the Motion to be raised at the Confirmation Hearing. In support thereof, the Equity Committee respectfully represents as follows:

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 Motion, 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 Motion for the Confirmation Hearing to be held on December 2, 2010 at 9:30 a.m. and (ii) allowing objections, if any, to the Motion to be raised at the Confirmation 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-

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

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

7. By the Motion, the Equity Committee seeks relief from the Confidentiality Order entered on July 2, 2010 [Docket No. 4863] to permit the Equity Committee to unseal and publicly file its *Motion to Strike Declarations and Arguments Relying on Examiner’s Report or, in the Alternative, to Compel Production of All Debtors’ Work Product and Communications Related to the Examiner’s Report* [Dkt. No. 6148] and reference the information set forth therein and use the exhibits attached thereto during the Confirmation Hearing. More specifically, the Equity Committee intends to use such information and exhibits to rebut statements made, and positions taken, by the Debtors and others with respect to the Examiner's Final Report..

8. The Court is scheduled to consider confirmation of the Debtors’ Plan at the Confirmation Hearing on December 2, 2010. The Equity Committee opposes the Plan, and has filed an objection in support of its opposition [Docket No. 6012]. The Equity Committee intends to further argue its opposition to the Court during oral argument at the Confirmation Hearing. Therefore, it is imperative that the Court consider the Motion at the Confirmation Hearing, and prior to the Equity Committee’s presentation opposing confirmation so as to allow the Equity Committee a full and fair opportunity to articulate its objection using all relevant documents and information available.

9. Given the foregoing exigent circumstances, the Equity Committee submits that

the relief requested in this Motion to Shorten is necessary and appropriate. Accordingly, the Court should shorten notice with respect to the Motion so that it may be heard at the Confirmation Hearing scheduled for December 2, 2010.

NOTICE

10. 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

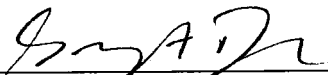
11. No previous request for the relief requested herein has been made to this or any other court.

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 Motion for December 2, 2010 at 9:30 a.m.; (ii) allowing objections, if any, to the Motion to be raised at the Confirmation Hearing; and (iv) granting such other and further relief as the Court deems appropriate.

Dated: November 30, 2010
Wilmington, Delaware

ASHBY & GEDDES, P.A.


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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 TO
SHORTEN NOTICE AND SCHEDULE HEARING
ON MOTION OF THE OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS
FOR AN ORDER AUTHORIZING IT TO (I) UNSEAL, AND PUBLICLY FILE, ITS
MOTION TO STRIKE DECLARATIONS AND ARGUMENTS RELYING ON
EXAMINER’S REPORT OR, IN THE ALTERNATIVE, TO COMPEL PRODUCTION
OF ALL DEBTORS’ WORK PRODUCT AND COMMUNICATIONS RELATED
TO THE EXAMINER’S REPORT AND (II) USE CONFIDENTIAL INFORMATION
AT THE CONFIRMATION HEARING**

Upon consideration of the *Motion to Shorten Notice and Scheduling Hearing on Motion of the Official Committee of Equity Security Holders for an Order Authorizing it to (I) Unseal, and Publicly File, its Motion to Strike Declarations and Arguments Relying on Examiner’s Report or, in the Alternative, to Compel Production of All Debtors’ Work Product and Communications Related to the Examiner’s Report and (II) Use Confidential Information at the Confirmation Hearing* (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 Motion to Shorten is in the best interests of the Debtors, their estates and

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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 Motion shall be heard at the Confirmation Hearing scheduled for December 2, 2010 at 9:30 a.m. (ET).
3. Any objections to the relief requested in the Motion shall be raised at the Confirmation Hearing scheduled for December 2, 2010 at 9:30 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
_____, 2010

THE HONORABLE MARY F. WALRATH
UNITED STATES BANKRUPTCY COURT

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