

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

In re
WASHINGTON MUTUAL, INC., *et al.*,¹
Debtors.

)
) Chapter 11
)
) Case No. 08-12229 (MFW)
) (Jointly Administered)
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)
)

**APPALOOSA MANAGEMENT L.P.'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS TO NATE THOMA**

PLEASE TAKE NOTICE THAT APPALOOSA MANAGEMENT L.P., by its attorneys, PAUL, HASTINGS, JANOFSKY & WALKER LLP, hereby request, pursuant to Federal Rule of Bankruptcy Procedure 9014(c) and 7034 that within thirty days Nate Thoma produce for inspection and copying the documents specified below. The documents requested should be made available for inspection and copying during regular hours at the offices of Paul, Hastings, Janofsky & Walker LLP, 75 East 55th Street, New York, NY 10022 or the offices of Blank Rome LLP, 1201 Market Street Suite 800, Wilmington, DE 19801, or at such places as otherwise agreed upon by the parties.

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor's federal tax identification numbers, are: (a) Washington Mutual, Inc. (3725); and (b) WMI Investment Corp. (5395). The Debtors' principal offices are located at 1301 Second Avenue, Seattle, Washington 98101.



DEFINITIONS

1. “Appaloosa” shall mean and refer to Appaloosa Management L.P., including any of its funds, subsidiaries, affiliates, officers, directors, members, partners, employees and any agents, representatives or other persons or entities acting or purporting to act on its behalf.
2. “Chapter 11 Cases” means the jointly administered cases commenced by the Debtors styled as *In re Washington Mutual, Inc., et al.* and being jointly administered in the Bankruptcy Court, Case No. 08-12229 (MFW), under chapter 11 of the Bankruptcy Code.
3. “Global Settlement Agreement” means or refers to that proposed agreement contained as Exhibit H of the March 26, 2010 Plan, as such proposed agreement was amended or modified, and/or the settlement agreement by and among, *inter alia*, the Debtors, JPMorgan Chase and the Federal Deposit Insurance Corporation, announced to the Court on or about March 12, 2010.
4. The “Equity Committee” shall mean and refer to each and every member of the Official Committee of Equity Security Holders of Washington Mutual, Inc., including any current or former members, and any affiliates, agents, attorneys, representatives or other persons or entities acting or purporting to act on its behalf.
5. “Person” shall mean any natural person or any business, legal or governmental entity or association.
6. “You” shall mean and refer to Nate Thoma, and any affiliates, agents, attorneys, representatives or other persons or entities acting or purporting to act on Nate Thoma’s behalf.

INSTRUCTIONS

1. Unless otherwise indicated, the documents requested herein include all documents in your possession, custody or control.

2. Each document sought shall be produced as it is kept in the ordinary course of business.

Documents attached to each other shall not be separated.

3. Unless otherwise agreed by the parties, documents that exist in electronic form and constitute or comprise databases or other tabulations or collections of data or information should be produced in their native, machine-readable format. Unless otherwise agreed by the parties, documents that exist in electronic form and constitute or comprise written communications between individuals (by way of example, e-mail messages, internal memos, and letters) should be produced in their native, machine-readable format.

4. Electronically stored information should be produced with all associated metadata and any and all associated files, including but not limited to attachments or hyperlinked files.

5. A document with handwritten, typewritten or other recorded notes, editing marks, etc., is not and shall not be deemed to be identical to one without such modifications, additions, or deletions. The term "original" includes the file copy or copies of any document if there is no actual original or ribbon copy.

6. If any request for documents is deemed to call for the production of privileged or work product materials and such privilege or work product is asserted, identify in writing each document so withheld and otherwise comply with the requirements of the federal rules of bankruptcy procedure. If only a portion of a document is privileged or work product, then redact and identify the portion being withheld. With regard to all documents or portions of documents withheld, provide the following information:

- (a) the reason for withholding the document;
- (b) a statement of the basis for the claim of privilege, work product or other ground of nondisclosure; and
- (c) a brief description of the document, including: (i) the date of the document; (ii) number of pages, attachments, and appendices; (iii) the names of its author,


authors or preparers, and addressees and recipients, and an identification by employment and title of each such person; (iv) the present custodian; and (v) the subject matter of the document, and in the case of any document relating or referring to a meeting or conversation, identification of such meeting or conversation.

7. If any requested document was at one time in existence but has been lost, discarded or destroyed, identify such documents as completely as possible, providing as much of the following information as possible: author(s); recipient(s); sender(s); subject matter; date prepared or received; date of disposal; reason(s) for disposal; person(s) authorizing the disposal; persons having knowledge of the disposal; and person disposing of the document.
8. Each request is to be answered separately.
9. Each request shall be deemed to be continuing so as to require prompt supplemental responses if you obtain or discover additional information or documents called for by these requests between the time of responding to these document requests and the time of any hearing in this matter.
10. The time period for each request is September 26, 2008 through the present.

REQUESTS FOR PRODUCTION

1. All documents or communications concerning the basis for your: (a) Objection to the Plan of Reorganization dated November 19, 2010 (the "Objection") as it relates to Appaloosa; and (b) proffers to the Court on December 7, 2010 and February 8, 2011.
2. All documents or communications concerning and/or reflecting communications between you and the Equity Committee relating to your Objection and/or subsequent proffers to the Court.
3. All documents or communications concerning and/or reflecting communications between you and any other person relating to your Objection and/or subsequent proffers to the Court.

4. All documents or communications sufficient to reflect your past or present holdings in any securities of the Debtors, including but not limited to: (a) the amount and type of the security; (b) the date(s) on which the security was purchased; (c) the purchase price of the security; (d) the date(s) on which the security was sold; and (e) the sale price of the security.

By: 

Dated: March 7, 2011
New York, NY

Barry G. Sher
Maria E. Douvas
Laura K. Isenberg
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TO: Nate Thoma
105 South Jefferson Street
Wenonah, NJ 08090

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

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Index No. 08-12229 (MFW)

In re:
WASHINGTON MUTUAL, INC., et al,

AFFIDAVIT OF SERVICE

Debtor.


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STATE OF PENNSYLVANIA)
S.S.:
COUNTY OF PHILADELPHIA)

ROBERT BASSLER, being duly sworn, deposes and says that he is over the age of eighteen years, is an agent of METRO ATTORNEY SERVICE INC., and is not a party to this action.

That on the 7th day of March, 2011, at approximately the time of 7:20 pm, deponent served a true copy of the APPALOOSA MANAGEMENT L.P.'S FIRST SET OF INTERROGATORIES TO NATE THOMA and APPALOOSA MANAGEMENT L.P.'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO NATE THOMA upon Nate Thoma at 105 South Jefferson Street, Wenonah, New Jersey, by personally delivering and leaving the same with Ferdinand Thoma, Uncle, a person of suitable age and discretion at that address.

Ferdinand Thoma is a white male, approximately 50 years of age, stands approximately 5 feet 10 inches tall, and weighs approximately 170 pounds with brown hair and handlebar mustache.



ROBERT BASSLER

Sworn to before me this
8th day of March, 2011



NOTARY PUBLIC

