

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

In re:	)	
	)	Chapter 11
WASHINGTON MUTUAL, INC., <i>et al.</i> ,	)	
	)	Case No. 08-12229 (MFW)
	)	Jointly Administered
	)	
Debtors.	)	
_____	)	
	)	
BROADBILL INVESTMENT CORP.,	)	Adv. Proc. 10-50911 (MFW)
NANTAHALA CAPITAL PARTNERS, LP.,	)	
AND BLACKWELL CAPITAL PARTNERS,	)	
LLC,	)	
	)	
Plaintiffs	)	
	)	
v.	)	
	)	
WASHINGTON MUTUAL, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEDIATOR’S STATEMENT OF COMPLETION**

In accordance with this Court’s *Order Assigning Adversary Proceeding to Mediation and Appointing Mediator* [Dkt. No. 184], dated April 7, 2011, the undersigned mediator reports that an initial mediation session was held on April 14, 2011 and that the mediation was terminated on May 31, 2011.

The following individuals were present at the initial mediation session:

- Bill Kosturos of Alavarez & Marsal on behalf of Washington Mutual, Inc.;
- Chad Smith of Washington Mutual, Inc.;
- Neil Subin of Broadbill Investment Corp.;
- Dan Mack and Will Harkey of Nantahala Capital Partners, LP;
- Eleanor Chan of Aurelius Capital Management; and
- Steve Simms of FTI Consulting, Inc. on behalf of the Official Committee of Unsecured Creditors of Washington Mutual, Inc.

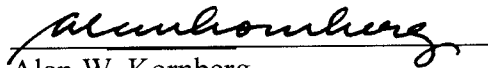


These parties were represented by the following counsel:

- Brian Rosen and Adam Stochak (Weil, Gotshal & Manges LLP) representing Washington Mutual, Inc.;
- Paul Silverstein and Jeremy Reckmeyer (Andrews Kurth LLP) representing Broadbill Investment Corp.;
- Arthur Steinberg (King & Spalding) representing Nantahala Capital Partners, LP;
- Jon Hochman (Schindler Cohen & Hochman LLP) also representing Nantahala Capital Partners, LP;
- Fred Hodara and Robert Johnson (Akin Gump Strauss Hauer & Feld LLP) representing the Official Committee of Unsecured Creditors of Washington Mutual, Inc.;
- Philip Bentley (Kramer Levin Naftalis & Frankel LLP) representing Aurelius Capital Management; and
- Charles Lemley (Wiley Rein LLP) representing the directors' and officers' insurance carrier for Washington Mutual, Inc.

After the conclusion of the initial mediation session, at which no settlement was reached, the parties agreed to continue the mediation. Since that time, the undersigned mediator engaged in numerous meetings and conversations with each of the mediation parties or their counsel. However, no settlement was reached and the mediation is now completed.

Dated: June 6, 2011



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