

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

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<i>In re</i>	: Chapter 11
	: :
WASHINGTON MUTUAL, INC., <i>et al.</i> ,	: Case No. 08-12229 (MFW)
	: :
Debtors.	: (Jointly Administered)
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NANTAHALA CAPITAL PARTNERS, LP,	: :
BLACKWELL CAPITAL PARTNERS, LLC,	: Adversary Proceeding
AXICON PARTNERS, LLC, BRENNUS FUND	: :
LIMITED, COSTA BRAVA PARTNERSHIP III,	: Case No. 10-50911 (MFW)
LLP, and SONTERRA CAPITAL MASTER	: :
FUND, LTD, individually and on behalf of all	: holders of Litigation Tracking Warrants originally
holders of Litigation Tracking Warrants originally	: issued by Dime Bancorp,
	: :
Plaintiffs,	: :
v.	: :
	: :
WASHINGTON MUTUAL, INC., CHARLES	: :
LILLIS, DAVID BONDERMAN, JAMES	: :
STEVER, MARGARET OSMER-McQUADE,	: :
ORIN SMITH, PHILLIP MATTHEWS, REGINA	: :
MONTOYA, STEPHEN FRANK, STEPHEN	: :
CHAZEN, THOMAS LEPPERT, WILLIAM	: :
REED, JR., and MICHAEL MURPHY,	: :
	: :
Defendants.	: :
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Re: Adv. Dkt. No. 232

**ORDER**

This matter having come before the Court on the WMI Director Defendants' Motion to Dismiss Plaintiffs' Second Amended Class Complaint (the "Motion") filed by Defendants Charles Lillis, David Bonderman, James Stever, Margaret Osmer-McQuade, Orin Smit, Phillip Matthews, Regina Montoya, Stephen Frank, Stephen Chazen, Thomas Leppert, Williams Reed, Jr., and Michael Murphy ("WMI Director Defendants") [Docket No. 180]; the Court having reviewed the Motion, as well as Plaintiffs' Memorandum of



Law in Opposition to Director Defendants' Motion to Dismiss Plaintiffs' Second Amended Class Complaint [Docket No. 197], the Reply of the WMI Director Defendants to Plaintiffs' Opposition to WMI Director Defendants' Motion to Dismiss Plaintiffs' Second Amended Class Complaint [Docket No. 199], and Plaintiffs' Letter to The Honorable Mary F. Walrath Regarding Reply of the WMI Director Defendants to Plaintiffs' Opposition to WMI Director Defendants' Motion to Dismiss Plaintiffs' Second Amended Class Complaint [Docket No. 204]; the Court having heard oral argument on the motion on June 8, 2011; the Court finding that (a) the Court has jurisdiction over this matter, and (b) notice of the Motion was adequate under the circumstances; and the Court having determined that the legal and factual bases set forth in the Motion fail to establish just cause for the relief requested therein;

IT IS HEREBY ORDERED that the Motion is DENIED.

Dated: June \_\_\_\_, 2011  
Wilmington, Delaware

  
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THE HONORABLE MARY F. WALRATH  
UNITED STATES BANKRUPTCY JUDGE