

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

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|---|---|--------------------------------|
| In re: |) | Chapter 11 |
| |) | |
| WASHINGTON MUTUAL, INC., <u>et al.</u> , ¹ |) | Case No. 08-12229 (MFW) |
| |) | |
| Debtors. |) | (Jointly Administered) |
| |) | |
| |) | Related Docket Nos. 8440, 8491 |
| |) | |

**NOTICE OF ERRATA REGARDING [REVISED] POST-HEARING BRIEF OF THE
OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS IN OPPOSITION TO
CONFIRMATION OF THE DEBTORS' MODIFIED
SIXTH AMENDED PLAN OF REORGANIZATION**

PLEASE TAKE NOTICE that, on August 10, 2011, the Official Committee of Equity Security Holders of Washington Mutual, Inc., *et al.* (the "Equity Committee"), filed the *Post-Hearing Brief of the Official Committee of Equity Security Holders in Opposition to Confirmation of the Debtors' Modified Sixth Amended Plan of Reorganization* [Docket No. 8440] (the "Brief") under seal.

PLEASE TAKE FURTHER NOTICE that the chart below documents the amendments made to the Brief.

| <u>Paragraph Number</u> | <u>Original Text</u> | <u>New Text</u> | <u>Summary of Change</u> |
|--------------------------------|---|--|--|
| Footnote 3 from paragraph 18 | Aurelius, Owl Creek and Appaloosa did not begin investing in WMI securities until after the Commencement Date. (Tr. 7/18 at 41, 127; Tr. 7/19 at 126, 150; AOC 62). Centerbridge began investing in WMI securities during the month | Aurelius and Owl Creek did not begin investing in WMI securities until after the Commencement Date. (Tr. 7/18 at 41, 127; Tr. 7/19 at 126, 150; AOC 62). Although the trial record is not entirely clear, it appears | Deleted "and Appaloosa" from the first sentence and inserted: "Although the trial record is not entirely clear, it appears that Appaloosa began trading in September |

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.



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|-----|--|---|---|
| | preceding the bankruptcy. (Tr. 7/20 at 214.) | that Appaloosa began trading in September 2008 (Tr. 7/20 at 40.) Centerbridge began investing in WMI securities during the month preceding the bankruptcy. (Tr. 7/20 at 214.) | 2008 (Tr. 7/20 at 40.) |
| 63 | I do not know that we did not receive that response from JPMorgan. | I do know that we did not receive that response from JPMorgan. | Removed “not” |
| 121 | Owl Creek also engaged in trading during January, buying and selling WMI securities. | Owl Creek also engaged in trading during January, selling WMI securities. | Removed “buying and” |
| 151 | Owl Creek was trading on multiple dates from March 29 through May 3. | Owl Creek was trading on multiple dates from March 29 through April 21. | Changed “May 3” to “April 21” |
| 162 | They were not investors in WMI prior to the bankruptcy. | Two of them were not investors in WMI prior to the bankruptcy, and the other two only started investing shortly before the bankruptcy. | Deleted “They were not investors in WMI prior to the bankruptcy.” and added: “Two of them were not investors in WMI prior to the bankruptcy, and the other two only started investing shortly before the bankruptcy.” |
| 243 | The same willingness to defer to the hedge funds continued right through the final weeks of the negotiation, when counsel for the SNHs was separately negotiating with the FDIC and reporting back to the Debtors (EC 297) | The same willingness to defer to the hedge funds continued right through the final weeks of the negotiation, when the Debtors were asking counsel for the SNHs to negotiate separately with the FDIC (EC 277) | Changed citation to EC 277 and revised sentence |

PLEASE TAKE FURTHER NOTICE that the above referenced amendments are reflected in the Equity Committee’s *[Revised] Post-Hearing Brief of the Official Committee of Equity Security Holders in Opposition to Confirmation of the Debtors’ Modified Sixth Amended Plan of Reorganization* filed on August 15, 2011 at Docket No. 8491 (the “Revised Brief”).

Dated: August 15, 2011
Wilmington, Delaware

ASHBY & GEDDES, P.A.

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Holders, only as to Centerbridge Partners, L.P.,
Appaloosa Management L.P., and Owl Creek Asset
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-and-

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