

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

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NANTAHALA CAPITAL PARTNERS, LP, :  
BLACKWELL CAPITAL PARTNERS, LLC, :  
AXICON PARTNERS, LLC, :  
BRENNUS FUND LIMITED, :  
COSTA BRAVA PARTNERSHIP III, LLP, :  
SONTERRA CAPITAL MASTER FUND, LTD. :  
:  
Plaintiffs, :  
:  
v. : Adversary Proc. No. 10-50911 (MFW)  
:  
WASHINGTON MUTUAL, INC., :  
MICHAEL MURPHY, :  
WILLIAM REED, JR. :  
THOMAS LEPPERT, :  
STEPHEN CHAZEN, :  
STEPHEN FRANK, :  
REGINA MONTOYA, :  
PHILLIP MATTEWS, :  
ORIN SMITH, :  
MARGARET OSMER MCQUADE, :  
JAMES STEVER, :  
FRANCIS BAIER, :  
DAVID BONDERMAN, :  
CHARLES LILLIS :  
:  
Defendants :  
:  
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NOTICE OF AGENDA OF MATTERS SCHEDULED  
FOR HEARING ON SEPTEMBER 12, 2011 AT 9:30 A.M. (EDT)

I. ADVERSARY PROCEEDING:

1. Plaintiffs' Third Amended Class Complaint [Adversary Docket No. 230; filed 6/8/11]

Related Documents:

- A. Complaint for Declaratory Relief Filed by Broadbill Investment Corp. against Washington Mutual, Inc. [Adversary Docket No. 1; filed 4/12/10]



- B. Summons and Notice of Pretrial Conference in an Adversary Proceeding [Adversary Docket No. 3; filed 4/12/10]
- C. Motion for Intervention of the Official Committee of Unsecured Creditors of Washington Mutual, Inc. and WMI Investment Corp. [Adversary Docket No. 11; filed 5/18/10]
- D. Memorandum of Law in Support of the Motion for Intervention of the Official Committee of Unsecured Creditors of Washington Mutual, Inc. and WMI Investment Corp. [Adversary Docket No. 12; filed 5/18/10]
- E. Order Approving Stipulation [Adversary Docket No. 27; filed 6/30/10]
- F. Intervenor Complaint of Nantahala Capital Partners, LP and Blackwell Capital Partners, LLC [Adversary Docket No. 28; filed 7/1/10]
- G. Summons and Notice of Pretrial Conference in an Adversary Proceeding [Adversary Docket No. 33; filed 7/15/10]
- H. Plaintiffs' Amended Class Complaint for Declaratory Relief [Adversary Docket No. 52; filed 9/3/10]
- I. Answer of Defendant Washington Mutual, Inc. to Amended Complaint [Adversary Docket No. 56; filed 9/17/10]
- J. First Amended Answer and Counterclaim of Defendant Washington Mutual, Inc. to Amended Complaint [Adversary Docket No. 57; filed 9/24/10]
- K. Response of Plaintiffs, Broadbill Investment Corp., Nantahala Capital Partners, LP and Blackwell Capital Partners, LLC, to First Amended Answer and Counterclaim of Defendant, Washington Mutual, Inc. [Adversary Docket No. 61; filed 10/15/11]
- L. Order Granting Motion for Intervention of the Official Committee of Unsecured Creditors of Washington Mutual, Inc., and WMI Investment Corp. [Adversary Docket No. 101; filed 11/30/10]
- M. Scheduling Order [Adversary Docket No. 161; filed 2/25/11]
- N. Plaintiffs' Second Amended Class Complaint [Adversary Docket No. 162; filed 3/1/11]
- O. Motion of Aurelius Capital Management, LP to Intervene As A Defendant [Adversary Docket No. 163; filed 3/1/11]

- P. Memorandum of Law in Support of the Motion of Aurelius Capital Management, LP to Intervene As A Defendant [Adversary Docket No. 164; filed 3/1/11]
- Q. Summons and Notice of Pretrial Conference in an Adversary Proceeding [Adversary Docket No. 165; filed 3/2/11]
- R. Objection by Plaintiffs to Motion of Aurelius Capital Management, LP to Intervene As A Defendant [Adversary Docket No. 167; filed 3/15/11]
- S. Second Amended Answer and Counterclaim of Defendant Washington Mutual, Inc. to Second Amended Class Complaint [Adversary Docket No. 171; filed 3/18/11]
- T. Reply in Further Support of Motion of Aurelius Capital Management, LP to Intervene As A Defendant [Adversary Docket No. 172; filed 3/22/11]
- U. Joinder of the Official Committee of Unsecured Creditors of Washington Mutual, Inc. and WMI Investment Corp. in the Second Amended Answer and Counterclaim of Defendant Washington Mutual Inc. to Second Amended Class Complaint [Adversary Docket No. 174; filed 3/24/11]
- V. Order Assigning Adversary Proceeding to Mediation and Appointing A Mediator [Adversary Docket No. 176; filed 3/28/11]
- W. Order Approving Appointment of Alan W. Kornberg as Mediator [Adversary Docket No. 183; filed 4/7/11]
- X. Response of Plaintiffs Broadbill Investment Corp., Nantahala Capital Partners, LP and Blackwell Capital Partners, LLC to Second Amended Answer and Counterclaim of Defendant Washington Mutual, Inc. [Adversary Docket No. 186; filed 4/8/11]
- Y. Plaintiffs' Memorandum of Law in Opposition to Director Defendants' Motion to Dismiss Plaintiffs' Second Amended Class Complaint [Adversary Docket No. 197; filed 4/22/11]
- Z. Motion by Nantahala Capital Partners, LP and Blackwell Capital Partners, LLC to Amend the Second Amended Complaint Solely to Add Additional Class Plaintiffs and Delete Broadbill Investment Corp. As A Named Class Plaintiff [Adversary Docket No. 217; filed 5/25/11]
- AA. Memorandum of Law By Nantahala Capital Partners, LP and Blackwell Capital Partners, LLC in Support of Motion to Amend the Second Amended Complaint Solely to Add Additional Class Plaintiffs and Delete Broadbill Investment Corp. As A Named Class Plaintiff [Adversary Docket No. 218; filed 5/25/11]

- BB. Notice of Voluntary Dismissal of Second Amended Complaint Against Francis Baier Without Prejudice [Adversary Docket No. 221; filed 5/27/11]
- CC. Amended and Restated Scheduling Order [Adversary Docket No. 229; filed 6/8/11]
- DD. Third Amended Answer of Defendants to Plaintiffs' Third Amended Class Complaint and Counterclaim of Washington Mutual, Inc. [Adversary Docket No. 237; filed 6/22/11]
- EE. Order Approving Stipulation Concerning Certification of A Plaintiff Class of Litigation Tracking Warrant Holders in This Adversary Proceeding [Adversary Docket No. 275; filed 9/6/11]
- FF. Joint Pre-Trial Order [Adversary Docket No. 276; filed 9/6/11]

Status: The trial on this matter will go forward.

2. Defendants' Motion in Limine to Exclude Portions of the Testimony of Plaintiffs' Expert Witness Barry M. Levine [Adversary Docket No. 266; filed 9/2/11]

Related Documents:

- A. Memorandum of Law in Support of Defendants' Motion in Limine to Exclude Portions of the Testimony of Plaintiffs' Expert Witness Barry M. Levine [Adversary Docket No. 267; filed 9/2/11]
- B. Declaration of Adam P. Strochak, Esq. in Support of Defendants' Motion in Limine to Exclude Portions of the Testimony of Plaintiffs' Expert Witness Barry M. Levine [Adversary Docket No. 268; filed 9/2/11]

Status: This matter will be heard in connection with the trial.

3. Plaintiffs' Motion in Limine to Exclude Testimony of Defendants' Expert Witness Richard D. Pomp [Adversary Docket No. 272; filed 9/6/11]

Related Documents:

- A. Memorandum of Law in Support of Plaintiffs' Motion in Limine to Exclude Testimony of Defendants' Expert Witness Richard D. Pomp [Adversary Docket No. 273; filed 9/6/11]
- B. [Response to be filed by Debtors]

Status: This matter will be heard in connection with the trial.

Dated: September 8, 2011  
Wilmington, Delaware

Respectfully submitted,



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