

I. Counter-Designation of Record on Appeal⁴

The Equity Committee counter-designates the following record items from the above-captioned cases:

Tab	Date	Docket No.⁵	Record Items
1.	02/01/10	2277	Transcript regarding Hearing Held 01/28/10
2.	02/09/11	6711	Motion of Debtors for an Order, Pursuant to Sections 105, 502, 1125, 1126, and 1128 of the Bankruptcy Code and Bankruptcy Rules 2002, 3003, 3017, 3018 and 3020, (I) Approving the Proposed Supplemental Disclosure Statement and the Form and Manner of the Notice of the Proposed Supplemental Disclosure Statement Hearing, (II) Establishing Solicitation and Voting Procedures, (III) Scheduling a Confirmation Hearing, and (IV) Establishing Notice and Objection Procedures for Confirmation of the Debtors' Modified Plan
3.	02/24/11	6789	Debtor-in-Possession Monthly Operating Report for Filing Period 01/01/11 to 01/31/11
4.	05/07/11	7430	Notice of Filing of Updated Liquidation Analyses
5.	07/08/11	8106	Declaration of Robert Q. Klamser with Respect to the Tabulation of Votes on and Elections Pursuant to the Modified Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code
6.	07/08/11	8111	Application to Employ/Retain Klee, Tuchin, Bogdanoff & Stern LLP as Special Litigation Counsel to Washington Mutual, Inc.
7.	07/12/11	8178	Declaration of Anders J. Maxwell in Support of Objection of the Official Committee of Equity Security Holders to Confirmation of the Modified Sixth Amended Plan of Reorganization
8.	08/15/11	8493	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
9.	10/18/11	8830	Appellant Official Committee of Unsecured Creditors' Designation of Items for Inclusion in Record on Appeal and Statement of Issues
10.	10/24/11	8861	Appellant Wells Fargo Bank, N.A.'s Designation of Items for Inclusion in Record on Appeal
11.	10/24/11	8863	Appellant Wells Fargo Bank, N.A.'s Designation of Items for Inclusion in Record on Appeal (Additional Items)
12.	10/24/11	8865	Appellee Law Debenture Trust Company of New York Designation of Additional Items for Inclusion in Record of Appeal

⁴ The Equity Committee does not repeat the items designated by the Creditors Committee, but rather incorporates herein by reference the Creditors Committee's appellate designations.

⁵ The designation of a docket item is intended to include all exhibits and/or attachments thereto.

Tab	Date	Docket No.⁵	Record Items
13.	10/24/11	8866	Reply of the Official Committee of Unsecured Creditors in Response to the Official Committee of Equity Security Holders' Opposition to the Motions for Leave to Appeal
14.	10/25/11	8878	Debtors' Partial Opposition to the Official Committee of equity Security Holders' Conditional Motion for Leave to Cross-Appeal Portions of the Bankruptcy Court's September 13, 2011 Order and Opinion
15.	10/25/11	8883	Appellee Debtors' Additional Statement of Issue and Counter-Designation with Respect to Appeal Filed by Appaloosa, Centerbridge and Owl Creek
16.	10/25/11	8884	Appellee Debtors' Counter-Designation with Respect to Appeal Filed by Aurelius Capital Management, LP
17.	10/25/11	8885	Appellant Debtors' Designation of Items for Inclusion in Record on Appeal and Statement of Issues
18.	10/25/11	8887	Official Committee of Unsecured Creditors' Objection to Official Committee of Equity Security Holders' Motion for Leave to Cross-Appeal
19.	11/01/11	8933	Appellee Debtors' Additional Statement of Issues and Counter-Designation of Record on Appeal
20.	11/07/11	8957	Designation of Law Debenture Trust Company of New York, Appellee, of Additional Items to be Included in the Record on Appeal
21.	11/07/11	8958	Counter-Designation of the Appellee Bank of New York Mellon Trust Company, N.A. of Additional Items to be Included in the Record on Appeal in Connection with the Appeal of Wells Fargo Bank, National Association
22.	11/07/11	8960	Appellee Debtors' Counter-Statement of Issues and Counter-Designation of Record on Appeal
23.		AU 9	Aurelius Compliance Documents [WaMu_Aurelius_12351-12373]
24.	05/16/01	DX 299	Amendment No. 1 to the Guarantee Agreement [WMI-MOD0000749-750]
25.	03/09/09	EC 2	Confidentiality Agreement between Washington Mutual Inc. and WMI Investment Corp. and Aurelius Capital Management [WaMu_Aurelius_12343-Wamu_Aurelius_12350]
26.	03/09/09	EC 3	Aurelius Capital Management Information Barrier Policies and Procedures re Washington Mutual Inc. and WMI Investment Corp. [WaMu_Aurelius_00007-WaMu_Aurelius_00012]
27. E	04/27/09	EC 10	Email from B. Rosen to B. Pfeiffer re term sheet response proposal [WGM_00000322-WGM_00000324]

Tab	Date	Docket No.⁵	Record Items
28.	04/29/09	EC 12	Email from D. Gropper to B. Kosturos re Wamu plan confirmation [WMI-TPS 500110825.00001]
29.	11/30/09	EC 16	Email from J. Bolin to D. Gropper re JPM proposal [WaMu Aurelius 12330-WaMu Aurelius 12332]
30.	01/11/10	EC 124	Email from M. Toose to B. Rosen, K. Rodden, T. Sapeika re NDA call [WGM-TPS 00000937-39, WEIL 0000025-27]
31.	01/01/09	EC 131	Owl Creek Trade chart 1/1/2009 to 9/1/2010 [OWL 0000001-OWL 0000031]
32.	02/18/10	EC 274	Email from B. Rosen to B. Kosturos re WMI meeting [WGM 000208259-WGM 000208260]
33.	05/14/10	EC 284	Email from B. Scheler to J. Bloin re JPM deal [AML0000009]
34.	01/10/10	EC 296	Email from C. Smith to B. Kosturos enclosing draft Settlement Agreement [WMI-TPS 500110988.00001-WMI-TPS 500110989.00001-00106]
35.	03/10/10	EC 299	Disclosure Statement for the Joint Plan of Affiliated Debtors pursuant to Chapter 11 of The United States Bankruptcy Code
36.	05/16/10	EC 300	Disclosure Statement for the First Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code

II. Additional Statement of Issues on Appeal

1. Whether the petition date is the proper date on which the federal judgment rate is determined for purposes of awarding interest under Section 726(a)(5) of the Bankruptcy Code.
2. Whether the Bankruptcy Court erred in holding that the Modified Plan was proposed in good faith.
3. Whether the Bankruptcy Court abused its discretion in approving the \$335 million settlement with the WMB Bondholders.

Dated: November 14, 2011
Wilmington, Delaware

ASHBY & GEDDES, P.A.

/s/ Gregory A. Taylor

William P. Bowden (DE Bar No. 2553)
Gregory A. Taylor (DE Bar No. 4008)
Stacy L. Newman (DE Bar No. 5044)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
Telephone: (302) 654-1888
Facsimile : (302) 654-2067

*Delaware Counsel to the Official Committee of
Equity Security Holders of Washington Mutual,
Inc., et al., and with respect to the Settlement Note
Holders, only as to Centerbridge Partners, L.P.,
Appaloosa Management L.P., and Owl Creek Asset
Management, L.P.*

-and-

SUSMAN GODFREY, L.L.P.

Stephen D. Susman (NY Bar No. 3041712)
Seth D. Ard (NY Bar No. 4773982)
654 Madison Avenue, 5th Floor
New York, NY 10065

Parker C. Folse, III (WA Bar No. 24895)
Edgar Sargent (WA Bar No. 28283)
Justin A. Nelson (WA Bar No. 31864)
1201 Third Ave., Suite 3800
Seattle, WA 98101
Telephone: (206) 516-3880
Facsimile: (206) 516-3883

*Co-Counsel to the Official Committee of Equity
Security Holders of Washington Mutual, Inc. et al.*

-and-

SULLIVAN HAZELTINE ALLINSON LLC

William D. Sullivan (DE Bar No. 2820)
901 N. Market Street, Suite 1300
Wilmington, DE 19801
Telephone: (302) 428-8191

Facsimile: (302) 428-8195

*Conflicts Co-Counsel for the Official Committee of
Equity Security Holders of Washington Mutual,
Inc., et al., as to Aurelius Capital Management,
L.P.*