

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

)	Chapter 11
In re:)	
)	Case No. 08-12229 (MFW)
WASHINGTON MUTUAL, INC., <u>et al.</u> , ¹)	
)	(Jointly Administered)
Debtors.)	
)	Related Docket Nos. 8861

**APPELLEE THE OFFICIAL COMMITTEE OF EQUITY SECURITY
HOLDERS' COUNTER-DESIGNATION OF THE RECORD
AND ADDITIONAL STATEMENT OF ISSUES ON APPEAL**²

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, appellee the Official Committee of Equity Security Holders (the "Equity Committee"), by and through its undersigned counsel, hereby submits the following additional statement of issues and counter-designation of additional items to be included in the record of appeal filed by Wells Fargo Bank, National Association ("Wells Fargo") [Docket No. 8861] from the Opinion (the "Opinion") [Docket No. 8612] and accompanying Order (the "Order") [Docket No. 8613] entered by the Honorable Mary F. Walrath, United States Bankruptcy Judge, United States Bankruptcy Court for the District of Delaware, on September 13, 2011.³

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.

² The Equity Committee reserves the right to amend and/or supplement this counter-designation of record and additional statement of issues on appeal.

³ The Equity Committee submits this counter-designation of record and additional statement of issues on appeal without prejudice to its position, as set forth fully in its Opposition to the Motions for Leave to Appeal Filed by Aurelius Capital Management, K.P., the Official Committee of Unsecured Creditors, Appaloosa Management L.P., Centerbridge Partners, L.P. and Owl Creek Asset Management, L.P. and the Joinder Filed by the Debtors [Docket No. 8811] and Motion for Leave to Cross-Appeal [Docket No. 8791], that the Opinion and Order are not final orders appealable as of right.



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.	01/11/10	2132	Debtors' Motion for an Order (I) Disbanding the Official Committee of Equity Holders Appointed by the United States Trustee or (B) Limiting the Fees and Expenses Which May be Incurred by Such Committee
2.	01/25/10	2223	Debtors' Reply in Further Support of Motion for an Order (I) Disbanding the Official Committee of Equity Holders Appointed by the United States Trustee or (B) Limiting the Fees and Expenses Which May be Incurred by Such Committee
3.	02/01/10	2277	Transcript regarding Hearing Held 01/28/10
4.	02/08/11	6705	Corrected Exhibit A to Supplemental Disclosure Statement for the Modified Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code
5.	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
6.	02/24/11	6789	Debtor-in-Possession Monthly Operating Report for Filing Period 01/01/11 to 01/31/11
7.	03/09/11	6902	Objection of the Official Committee of Equity Security Holders to Motion of Debtors for an Order (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

⁴ The Equity Committee does not repeat the items designated by Wells Fargo, but rather incorporates herein by reference Wells Fargo'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
8.	03/16/11	6963	Debtors' Omnibus Response to Objections to 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
9.	03/16/11	6965	Notice of Filing of Revised Modified Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code
10.	03/23/11	7017	Transcript regarding Hearing Held 03/21/11
11.	03/25/11	7038	Second Modification of Modified Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code
12.	03/30/11	7081	Order (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
13.	04/28/11	7217	Plan Supplement in Support of Modified Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code
14.	05/04/11	7281	Transcript regarding Hearing Held 05/02/11
15.	05/07/11	7430	Notice of Filing of Updated Liquidation Analyses
16.	05/26/11	7815	Transcript regarding Hearing Held 05/24/11
17.	07/01/11	8073	Objection of the Official Committee of Equity Security Holders to Confirmation of the Modified Sixth Amended Plan of Reorganization (Filed under seal)
18.	07/07/11	8100	Second Supplemental Objection of the Consortium of Trust Preferred Security Holders to Confirmation of the Modified Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code
19.	07/08/11	8105	Declaration of Jonathan Goulding in Support of Entry of an Order Confirming the Modified Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code

Tab	Date	Docket No.⁵	Record Items
20.	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
21.	07/08/11	8108	Declaration of David M. Sharp 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 with Respect to Securities Voting Classes
22.	07/08/11	8109	Notice of Filing Confirmation Hearing Exhibits of the Official Committee of Equity Security Holders
23.	07/08/11	8111	Application to Employ/Retain Klee, Tuchin, Bogdanoff & Stern LLP as Special Litigation Counsel to Washington Mutual, Inc.
24.	07/08/11	8113	Corrected 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
25.	07/08/11	8114	Notice of Designation of Debtors' Witness List in Support of Confirmation
26.	07/08/11	8115	Debtors' Pre-Hearing Submissions in Connection with Confirmation
27.	07/08/11	8120	Notice of Filing Documents Related to Modified Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code
28.	07/08/11	8121	Debtors' Memorandum of Law in Support of Confirmation of the Modified Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code
29.	07/08/11	8122	Debtors' Omnibus Response to Objections to Confirmation of the Modified Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code
30.	07/11/11	8131	Debtors' Supplemental Response to the Objection of the Official Committee of Equity Security Holders to Confirmation of the Modified Sixth Amended Plan of Reorganization (Filed under seal)
31.	07/11/11	8134	Omnibus Response of Aurelius Capital Management, LP to Certain Objections to Confirmation of the Modified Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code
32.	07/11/11	8155	Official Committee of Equity Security Holders' Joinder to Second Supplemental Objection of the Consortium of Trust Preferred Security Holders to Confirmation of the Modified Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code

Tab	Date	Docket No.⁵	Record Items
33.	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
34.	07/12/11	8180	Equity Committee's Objections to Pre-Hearing Submissions and Updated Exhibit List in Connection with Confirmation
35.	07/12/11	8186	Debtors' Omnibus Response to Objections to Confirmation of the Modified Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code (Unredacted)
36.	07/12/11	8188	Debtors' Supplemental Response to the Objection of the Official Committee of Equity Security Holders to Confirmation of the Modified Sixth Amended Plan of Reorganization (Unredacted)
37.	07/12/11	8191	Omnibus Response of Aurelius Capital Management, LP to Certain Objections to Confirmation of Modified Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code
38.	07/12/11	8192	Objection of the Official Committee of Equity Security Holders to Confirmation of the Modified Sixth Amended Plan of Reorganization
39.	07/12/11	8193	Response of Certain Funds Managed by Centerbridge Partners, L.P. to the Objection of the Official Committee of Equity Security Holders to Confirmation of the Modified Sixth Amended Joint Plan of Reorganization
40.	07/12/11	8196	Joint Response of Appaloosa Management, L.P., Owl Creek Asset Management, L.P. and Centerbridge Partners, L.P. to the Objection of the Official Committee of Equity Security Holders and Certain Other Objectors to Confirmation of the Modified Sixth Amended Plan of Reorganization
41.	07/12/11	8200	Notice of Filing Additional Plan Supplement Documents
42.	07/13/11	8202	Notice of Filing Second Updated Confirmation Hearing Exhibit List of the Official Committee of Equity Security Holders
43.	07/13/11	8203	Notice of Filing of Debtors' Confirmation Exhibit List
44.	07/14/11	8222	Notice of Filing Third Updated Confirmation Hearing Exhibit List of the Official Committee of Equity Security Holders
45.	07/18/11	8262	Transcript regarding Hearing Held 07/13/11
46.	07/19/11	8269	Notice of Filing Fourth Updated Confirmation Hearing Exhibit List of the Official Committee of Equity Security Holders
47.	07/22/11	8295	Transcript regarding Hearing Held 07/15/11
48.	07/22/11	8296	Transcript regarding Hearing Held 07/18/11
49.	07/22/11	8297	Transcript regarding Hearing Held 07/19/11
50.	07/25/11	8303	Transcript regarding Hearing Held 07/20/11

Tab	Date	Docket No.⁵	Record Items
51.	07/25/11	8304	Notice of Filing Final Confirmation Hearing Exhibit List of the Official Committee of Equity Security Holders
52.	07/26/11	8309	Transcript regarding Hearing Held 07/21/11
53.	08/01/11	8359	Joint Submission of the Official Committee of Equity Security Holders and JPMorgan Chase Bank, N.A. Concerning the Equity Committee's Oral Motion to Admit Designations from the Deposition of Travis Epes
54.	08/05/11	8389	Joinder of Appaloosa Management, L.P., Centerbridge Partners, L.P. and Owl Creek Asset Management, L.P. to the Objection by JPMorgan Chase Bank, N.A. to the Equity Committee's Oral Motion for the Admission of Designated Portions of the Travis Epes Deposition
55.	08/08/11	8401	Reply of the Official Committee of Equity Security Holders in Support of its Motion to Admit Designations from the Deposition of Travis Epes
56.	08/10/11	8439	Debtors' Post-Hearing Brief in Further Support of Confirmation of the Modified Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code
57.	08/10/11	8440	Post-Hearing Brief of the Official Committee of Equity Holders in Opposition to Confirmation of the Debtors Modified Sixth Amended Plan of Reorganization (Filed under seal)
58.	08/15/11	8491	[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
59.	08/15/11	8492	[Blackline] [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
60.	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
61.	09/27/11	8670	Aurelius Capital Management, LP's Notice of Appeal
62.	09/27/11	8672	Aurelius Capital Management, LP's Motion for Leave to Appeal
63.	09/27/11	8673	Appaloosa Management, L.P., Centerbridge Partners, L.P. and Owl Creek Asset Management LP's Notice of Appeal
64.	09/27/11	8674	Appaloosa Management, L.P., Centerbridge Partners, L.P. and Owl Creek Asset Management LP's Motion for Leave to Appeal
65.	09/27/11	8675	Appaloosa Management, L.P., Centerbridge Partners, L.P. and Owl Creek Asset Management LP's Memorandum in Support of Motion for Leave to Appeal from the Decision of the Bankruptcy Court or, Alternatively, for Issuance of a Writ of Mandamus
66.	10/04/11	8726	Official Committee of Unsecured Creditors' Notice of Appeal

Tab	Date	Docket No.⁵	Record Items
67.	10/04/11	8727	Motion of the Official Committee of Unsecured Creditors for Leave to Appeal from the Portion of the September 13, 2011 Opinion and Order of the Bankruptcy Court Granting Standing to the Equity Committee to Prosecute Claims for Equitable Disallowance
68.	10/11/11	8781	Joinder of Debtors to the Motion of the Official Committee of Unsecured Creditors for Leave to Appeal from the Portion of the September 13, 2011 Opinion and Order of the Bankruptcy Court Granting Standing to the Equity Committee to Prosecute Claims for Equitable Disallowance
69.	10/11/11	8783	Debtors' Limited Opposition to Motion of Aurelius Capital Management, LP for Leave to Appeal Under U.S.C. § 158(a) with Respect to Determination of Appropriate Rate of Postpetition Interest
70.	10/11/11	8784	Appellant Appaloosa Management, L.P., Centerbridge Partners, L.P. and Owl Creek Asset Management LP's Designation of Items for Inclusion in Record on Appeal
71.	10/11/11	8785	Debtors' Notice of Appeal
72.	10/11/11	8788	Appellant Aurelius Capital Management, LP's Designation of Items for Inclusion in Record on Appeal
73.	10/11/11	8790	Official Committee of Equity Security Holders' Notice of Cross-Appeal
74.	10/11/11	8791	Official Committee of Equity Security Holders' Motion for Leave to Cross-Appeal
75.	10/14/11	8811	The Official Committee of Equity Security Holders' Opposition to the Motions for Leave to Appeal Filed by Aurelius Capital Management, L.P., the Official Committee of Unsecured Creditors, Appaloosa Management, L.P., Centerbridge Partners, L.P. and Owl Creek Asset Management, L.P. and Joinder Filed by the Debtors
76.	10/18/11	8830	Appellant Official Committee of Unsecured Creditors' Designation of Items for Inclusion in Record on Appeal and Statement of Issues
77.	10/24/11	8861	Appellant Wells Fargo Bank, N.A.'s Designation of Items for Inclusion in Record on Appeal
78.	10/24/11	8863	Appellant Wells Fargo Bank, N.A.'s Designation of Items for Inclusion in Record on Appeal (Additional Items)
79.	10/24/11	8865	Appellee Law Debenture Trust Company of New York Designation of Additional Items for Inclusion in Record of Appeal
80.	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
81.	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

Tab	Date	Docket No.⁵	Record Items
82.	10/25/11	8883	Appellee Debtors' Additional Statement of Issue and Counter-Designation with Respect to Appeal Filed by Appaloosa, Centerbridge and Owl Creek
83.	10/25/11	8884	Appellee Debtors' Counter-Designation with Respect to Appeal Filed by Aurelius Capital Management, LP
84.	10/25/11	8885	Appellant Debtors' Designation of Items for Inclusion in Record on Appeal and Statement of Issues
85.	10/25/11	8887	Official Committee of Unsecured Creditors' Objection to Official Committee of Equity Security Holders' Motion for Leave to Cross-Appeal
86.	11/01/11	8933	Appellee Debtors' Additional Statement of Issues and Counter-Designation of Record on Appeal
87.	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
88.	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
89.	11/07/11	8960	Appellee Debtors' Counter-Statement of Issues and Counter-Designation of Record on Appeal
90.	09/2009	AOC 15	Owl Creek Compliance Manual, dated September 2009 (Filed under seal)
91.	04/2008	AOC 16	Owl Creek Compliance Manual, dated April 2008 (Filed under seal)
92.		AOC 54	Centerbridge Trading Records (Filed under seal)
93.	03/12/10	AOC 58	Transcript of Proceeding on March 12, 2010
94.		AOC 62	Appaloosa Trade Printout (Filed under seal)
95.		AU 8	Aurelius Trading Records from 10/8/2008 – 09/30/10 (Filed under seal) [WaMu Aurelius_00001-00006]
96.		AU 9	Aurelius Compliance Documents [WaMu Aurelius_12351-12373]
97.	03/09/09	AU 16	Aurelius/WaMu Confidentiality Agreement [WaMu Aurelius_12343-12350]
98.	03/11/09	AU 18	Debtors' Proposed Term Sheet and Email [WaMu Aurelius_12303-12329]
99.	03/18/09	AU 19	JPMC Proposed Term Sheet [WGM_00033671-00033674]
100.	04/30/09	AU 23	Letter from Brian Rosen to Gerard Uzzi in response to Gropper 04/29/09 email [WMI-TPS_500110660.00001-.00002]

Tab	Date	Docket No.⁵	Record Items
101.	04/30/09	AU 24	Debtors' March 2009 Monthly Operating Report [Docket No. 970]
102.	11/16/09	AU 27	Aurelius/WaMu Confidentiality Agreement [WaMu_Aurelius 00055-00061]
103.	11/23/09	AU 28	Debtors' November 2009 Term Sheet [WaMu_Aurelius 12300-12302]
104.	11/30/09	AU 29	Email from Debtors and Counsel with JPMC Counter Proposal [WaMu_Aurelius 12330-12332]
105.	12/30/09	AU 32	Debtors' November 2009 Monthly Operating Report [Docket No. 2077]
106.		CB 36	Centerbridge Partners' Month-End Positions in WMI Securities (All Classes) (Filed under seal)
107.	05/16/01	DX 299	Amendment No. 1 to the Guarantee Agreement [WMI-MOD0000749-750]
108.	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]
109.	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]
110.	01/29/09	EC 7	Email from G. Balasingam to B. Rosen re term sheet sent to Appaloosa/Centerbridge [WGM 00000001-WGM 00000010]
111.	03/19/09	EC 8	Email from B. Rosen to B. Pfeiffer re JPMC response to draft proposal [WGM 00033669-WGM 00033670]
112.	03/18/09	EC 9	WMI/JPMC Settlement Term Sheet draft [WGM 00033671-WGM 000336574]
113.	04/27/09	EC 10	Email from B. Rosen to B. Pfeiffer re term sheet response proposal [WGM 00000322-WGM 00000324]
114.	04/24/09	EC 11	WMI/JPMC Settlement Position Overview draft [WGM 00000325-WGM 00000330]
115.	04/29/09	EC 12	Email from D. Gropper to B. Kosturos re Wamu plan confirmation [WMI-TPS 500110825.00001]
116.	08/17/09	EC 14	JPMC Response to Settlement Proposal draft [AMLP 0006395-AMLP 0006937]
117.	11/30/09	EC 16	Email from J. Bolin to D. Gropper re JPM proposal [WaMu_Aurelius 12330-WaMu_Aurelius 12332]
118.		EC 19	Appaloosa Inside Trading Policies [AMLP 0014984-AMPL 0014987]

Tab	Date	Docket No.⁵	Record Items
119.	03/09/09	EC 24	Washington Mutual Inc. Confidentiality Agreement with Appaloosa Management on behalf of certain funds for which it acts as investment advisor [AMPL 0015017-AMPL 0015025]
120.	03/09/09	EC 26	Email from B. Pfeiffer to Appaloosa re WMI Term sheet [AMPL 0000410]
121.	03/09/09	EC 26A	WMI Term Sheet attached to email from B. Pfeiffer to Appaloosa re WMI Term Sheet [AMPL 0000411-AMPL 0000431]
122.	03/11/09	EC 28	WMI Termsheet SGM draft [AMPL 0014021-AMPL 0014045]
123.	03/19/09	EC 29	Email from B. Pfeiffer to Appaloosa, Centerbridge re JPMC Response to draft proposal [AMPL 0000404-AMPL 0000405]
124.	11/16/09	EC 37	Letter to Appaloosa Management from WMI re Confidentiality Agreement [AMPL 0015026-AMPL 0015034]
125.	02/09/10	EC 41	Email from J. Buono to B. Rosen, B. Kosturos re WMI term sheet [WMI-TPS_500110994.00001-10]
126.	03/23/10	EC 42	Email from B. Scheler to Fried Frank re Waterfall comparison [AMPL 0005101-AMPL 0005102]
127.	06/30/10	EC 43	Chart re High Level Recovery – Proposed Waterfall Distribution [AMPL 0005103-AMPL 0005104]
128.	12/01/07	EC 103	Centerbridge Compliance Manual Relating to its Investment Activities effective as of December 1, 2007 [LW_WAMU_019000-LW_WAMU_019046]
129.	01/22/09	EC 107	Email from B. Pfeiffer to V. Melwani re WMI plan term sheet [LW_WAMU_018890-LW_WAMU_018900]
130.	03/09/09	EC 111	Confidentiality Agreement with Centerbridge Partners and Washington Mutual Inc. and WMI Investment Corp. [LW_WAMU_018983-LW_WAMU_018961]
131.	08/18/09	EC 115	Email from D. McCree to J. Aron re JPMC response to settlement proposal [LW_WAMU_001372-LW_WAMU_001375]
132.	11/16/09	EC 117	Confidentiality Agreement with Centerbridge Partners and Washington Mutual Inc and WMI Investment Corp. [LW_WAMU_018962-LW_WAMU_018970]
133.	11/20/09	EC 118	Email from J. Bolin to B. Kosturos re tax split negotiations [WMI_TPS_500103193.0-0001]

Tab	Date	Docket No.⁵	Record Items
134.	11/23/09	EC 119	Email from B. Kosturos to V. Melwani re WMI proposed term sheet [WMI-TPS-S01104880-WMI-TPS-S01104891]
135.	11/30/09	EC 120	Email from B. Kosturos to J. Bolin, V. Melwani re JPM proposal [LW_WAMU_001392-LW-WAMU_001393]
136.	12/17/09	EC 122	Email from J. Hart to S. Fedorenko, V. Melwani, B. Bolin re call [WMI-TPS 500103533.0001]
137.	01/11/10	EC 124	Email from M. Toose to B. Rosen, K. Rodden, T. Sapeika re NDA call [WGM-TPS 00000937-39, WEIL 00000025-27]
138.	02/25/10	EC 126	Email from B. Rosen to M. Roose re WMI 2/25/2010 meeting agenda [WMI-TPS 500086043.00001-2]
139.	01/01/09	EC 131	Owl Creek Trade chart 1/1/2009 to 9/1/2010 [OWL 0000001-OWL 0000031]
140.	03/05/09	EC 140	WMI Term Sheet (WGM draft) [OWL 0010951-OWL 0010971]
141.	03/09/09	EC 141	Washington Mutual Confidential Agreement (Limited) with Owl Creek Asset Management [OWL 0010932-OWL 0010941]
142.	03/12/09	EC 142	Email from M. Walsh to H. Feldstein re WMI draft term sheet [OWL 0010977-OWL 0010978]
143.	03/11/09	EC 143	WMI Term Sheet (WGM draft) [OWL 0010979-OWL 0011003]
144.	03/19/09	EC 144	Email from H. Feldstein to M. Walsh re JPMC response to draft proposal [OWL 0011004-OWL 0011005]
145.	03/19/09	EC 145	WMI/JPMC Settlement Term Sheet (S&C draft) [OWL 0011006-OWL 0011009]
146.	11/16/09	EC 148	Washington Mutual Inc. Confidentiality Agreement with Owl Creek Asset Management on behalf of certain funds for which it acts as investment adviser [OWL 0010942-OWL 0010950]
147.		EC 150	Owl Creek chart re confidential settlement discussion [OWL 0010974-OWL 0010975]
148.	07/01/09	EC 215	Email from B. Pfeiffer to D. Tepper re April 2009 terms sheets [AML 0015035-AML 0015039]
149.	04/07/09	EC 216	Email from B. Pfeiffer to B. Rosen, B. Kosturos re final holdings of Centerbridge and Appaloosa [WMI-TPS 0110652.0001-WMI-TPS 0110653.0002]
150.	11/20/09	EC 219	Email from B. Kosturos to V. Melwani and J. Bolin re WMI proposed term sheet [LW_WAMU_001380-LW_WAMU_001383]

Tab	Date	Docket No.⁵	Record Items
151.	11/23/09	EC 220	Email from B. Kosturos to J. Bolin and V. Melwani re Revised Term Sheet – WMI Proposed Term Sheet [LW_WAMU_001388 – LW_WAMU_001391]
152.	02/18/10	EC 274	Email from B. Rosen to B. Kosturos re WMI meeting [WGM 000208259-WGM 000208260]
153.	02/28/10	EC 277	Email from B. Scheler to B. Rosen, M. Roose, B. Kosturos re WMI FDIC [WMI-TPS500100548.00001-.00003]
154.	03/01/10	EC 279	Email from J. Bolin to B. Kosturos re meeting at JPMC [WGM-TPS 500103176.00001]
155.	03/02/10	EC 280	Email from B. Rosen to B. Scheler re JPM and FDIC [WGM_00001547-WGM_00001549]
156.	03/02/10	EC 281	Email from B. Scheler to B. Rosen re JPM and FDIC [WGM_00023285-WGM_00023287]
157.	05/14/10	EC 284	Email from B. Scheler to J. Bloin re JPM deal [AML0000009]
158.	05/07/10	EC 289	Email from B. Scheler to B. Rosen, M. Roose re meeting [WMI-TPS 500100510.00001-00002]
159.	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]
160.	02/28/10	EC 297	Email from B. Rosen to C. Smith enclosing draft Settlement Agreement [WMI-TPS 500110939.00001-WMI-TPS 50011940.00001-00133]
161.	03/10/10	EC 299	Disclosure Statement for the Joint Plan of Affiliated Debtors pursuant to Chapter 11 of The United States Bankruptcy Code
162.	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
163.	09/26/08	EC 301	List of nominal weekly average 1-year constant maturity yield – the Federal Judgment Rate 9/26/2008 – 6/16/2011
164.	01/12/10	EC 304	Email from B. Rosen to C. Smith re settlement communication
165.	12/08/05	EC 305	Email from C. Smith to D. McCree re term sheet [JPMCD 000000212.00001-00004]
166.	12/11/09	EC 306	Email from B. Kosturos to D. McCree [JPMCD 000000210.00001]
167.	05/16/10	EC 308	Email from B. Scheler to B. Kostros [WGM 00025202-25205]
168.	05/14/10	EC 309	Email from B. Rosen to S. Nagle [WGM 00000708-709]

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

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