

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

In re  WASHINGTON MUTUAL, INC., <i>et al.</i> , <sup>1</sup>  Debtors.	) ) Chapter 11 ) ) Case No. 08-12229 (MFW) ) (Jointly Administered) ) ) <b>Related Documents: 9388 and 9432</b> ) <b>Objection Deadline: January 18, 2012 at 4:00 p.m.</b> ) <b>Hearing Date: January 19, 2012 at 10:30 a.m.</b>
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**JOINDER OF FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP TO  
THE OBJECTION OF AAOC TO THE TRUST PREFERRED SUB-GROUP'S  
MOTION TO COMPEL DISCOVERY OR,  
IN THE ALTERNATIVE, FOR AN ORDER OF PRECLUSION**

Fried, Frank, Harris, Shriver & Jacobson LLP ("Fried Frank") hereby submits this joinder (the "Joinder") to the objection of AAOC<sup>2</sup> (the "AAOC Objection") [D.I. 9432] to the motion of the Trust Preferred Sub-Group<sup>3</sup> to compel discovery or, in the alternative, for an order of preclusion (the "Motion to Compel") [D.I. 9388]. In support of its Joinder, Fried Frank respectfully states as follows:

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification numbers, are: (a) Washington Mutual, Inc. (3725); and (b) WMI Investment Corp. (5395). The Debtors' principal offices are located at 1301 Second Avenue, Seattle, Washington 98101.

<sup>2</sup> "AAOC" refers to each of (a) Appaloosa Management L.P., Appaloosa Investment L.P. I, Palomino Fund Ltd., Thoroughbred Fund, L.P., and Thoroughbred Master Ltd. (collectively, "Appaloosa"); (b) Aurelius Capital Management, LP, Aurelius Capital Partners, LP, Aurelius Convergence Master, Ltd., ACP Master, Ltd., Aurelius Capital Master, Ltd. and Aurelius Investment, LLC (collectively, "Aurelius"); (c) Owl Creek Asset Management, L.P., Owl Creek I, L.P., Owl Creek II, L.P., Owl Creek Overseas Fund, Ltd., Owl Creek Socially Responsible Investment Fund, Ltd., Owl Creek Asia I, L.P., Owl Creek Asia II, L.P., and Owl Creek Asia Master Fund, Ltd. (collectively, "Owl Creek"); and (d) Centerbridge Partners, L.P., Centerbridge Special Credit Partners, L.P., Centerbridge Credit Partners, L.P., and Centerbridge Credit Partners Master, L.P. (collectively, "Centerbridge") and any other Affiliates of the funds listed in (a) through (d) above which own or, during the Chapter 11 Cases, owned securities issued by and/or have direct or indirect Claims against WMI.

<sup>3</sup> The "Trust Preferred Sub-Group" consists of five individual equity holders and certain of their affiliates: VR Global Partners, L.P., The Visium Funds, Black Horse Capital, Greywolf Capital Management LP, and Pine River Capital L.P. The larger "Trust Preferred Group" consists of the Trust Preferred Sub-Group and certain funds managed by Scoggin Capital Management.



**JOINDER**

1. Fried Frank agrees with and joins in the legal arguments set forth in the AAOC Objection and, accordingly, files this Joinder in support thereof.

2. Fried Frank reserves the right to raise additional objections with respect to the Motion to Compel and/or to file a reply to any responses filed by the Trust Preferred Sub-Group and/or any other party to the AAOC Objection to the extent new issues are raised that were not included in the Motion to Compel or AAOC Objection.

Dated: Wilmington, Delaware  
January 18, 2012

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**CERTIFICATE OF SERVICE**

I, Michael D. DeBaecke, do hereby certify that I am over 18 years of age and that on the 18th day of January 2012, I caused service of the

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to be made on the attached service list in the manner indicated.

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