

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

In re	:	Chapter 11
	:	
	:	Case No. 08-12229 (MFW)
Washington Mutual, Inc., et al.	:	(Jointly Administered)
	:	
Debtors.	:	Related Docket Nos. 10193 and 10194
	:	

ORDER

Upon consideration of the Emergency Motion of MBS Plaintiffs Pursuant to Bankruptcy Rule 8005 for Stay Pending Appeal of Order Denying MBS Plaintiffs' Motion to Classify Asserted Class Claim as a Class Claim, Finding Proofs of Claim Nos. 4064 and 4069 Prematurely Filed by the MBS Plaintiffs, and Granting WMI Liquidating Trust Authority to Release the Reserve in Connection Therewith [D. I. 10193] filed May 21, 2012 ("Stay Motion"); and the Motion to Shorten Notice for Emergency Motion of MBS Plaintiffs for Stay Pending Appeal [D.I. 10194] filed on May 21, 2012 (the "Motion to Shorten, " and, collectively the "Motions"); the Court having considered the Motions; the Court finding that (a) the Court has jurisdiction over the Motions under 28 U.S.C. § 1334, (b) the Motions are core proceedings under 28 U.S.C. § 157(b)(2), and (c) this Court has the judicial power to enter a final order; and the Court having determined that the movant has not established sufficient cause to justify the relief requested in the Motions:



NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- 1) As no hearing is necessary in connection with the Stay Motion, the Motion to Shorten is DENIED.
- 2) The movant has failed to establish a prima facie case that: (a) it is likely to prevail on the merits of the appeal; (b) it will suffer irreparable injury absent a stay; (c) a stay will not cause substantial harm to other parties; and (d) a stay will not harm the public interest. Thus, the Stay Motion is DENIED on its merits, subject to the other provisions of this Order.
- 3) The Court has every expectation that movant will seek on an expedited basis a stay pending appeal from the district court. Thus, solely as a courtesy to the district court and to further the just and efficient administration of justice, this Court grants a limited stay through and including June 7, 2012, to allow the district court sufficient time to dispose of the anticipated motion for a stay pending appeal that will be filed in that court.
4. The entry of this Order and its contents shall in no way affect nor extend the applicable deadlines for appeal of the underlying order dated May 16, 2012. To the extent necessary, the stay under Fed. Bankr. Rule 6004(h) is waived and is inapplicable to this Order



Christopher S. Sontchi
United States Bankruptcy Court Judge

Dated: May 23, 2012