

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	
Washington Mutual, Inc., <u>et al.</u> , <sup>1</sup>	)	Case No. 08-12229 (MFW)
	)	
Debtors.	)	(Jointly Administered)
	)	
Official Committee of Unsecured Creditors	)	
of Washington Mutual, Inc., <u>et al.</u> , on	)	
behalf of Chapter 11 estates of	)	
Washington Mutual, Inc., <u>et al.</u> ,	)	
	)	
Plaintiff,	)	
v.	)	
	)	
Anthony Bozzuti,	)	Adv. Proc. No. 10-53131 (MFW)
	)	
Chandan Sharma,	)	Adv. Proc. No. 10-53147 (MFW)
	)	
Edward F. Bach,	)	Adv. Proc. No. 10-53132 (MFW)
	)	
Henry J. Berens,	)	Adv. Proc. No. 10-53134 (MFW)
	)	
James Corcoran,	)	Adv. Proc. No. 10-53158 (MFW)
	)	
John H. Browning,	)	Adv. Proc. No. 10-53156 (MFW)
	)	
Keith O. Fukui,	)	Adv. Proc. No. 10-53139 (MFW)
	)	
Marc Malone,	)	Adv. Proc. No. 10-53152 (MFW)
	)	
Michael R. Zarro,	)	Adv. Proc. No. 10-53143 (MFW)
	)	
Rachel M. Mileur a/k/a	)	Adv. Proc. No. 10-53133 (MFW)
Rachelle M. Mileur,	)	
	)	
Robert C. Hill,	)	Adv. Proc. No. 10-53153 (MFW)
	)	
Stephen E. Whittaker,	)	Adv. Proc. No. 10-53150 (MFW)
	)	
Thomas E. Morgan,	)	Adv. Proc. No. 10-53154 (MFW)

<sup>1</sup> The Debtors in these cases are: Washington Mutual, Inc. and WMI Investment Corp.



_____ )	
Ann Tierney, )	Adv. Proc. No. 11-53299 (MFW)
_____ )	
Todd H. Baker, )	Adv. Proc. No. 11-54031 (MFW)
_____ )	
Defendants. )	<b>Objection Deadline: November 20, 2012 at 4:00</b>
_____ )	<b>p.m. (EST)</b>
_____ )	

**WMI LIQUIDATING TRUST’S MOTION TO SUBSTITUTE ITSELF AS PLAINTIFF  
FOR THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF  
WASHINGTON MUTUAL, INC.**

Pursuant to Rule 25(c) of the Federal Rules of Civil Procedure and Rule 7025 of the Federal Rules of Bankruptcy Procedure, WMI Liquidating Trust (the “Trust”) hereby moves to substitute itself as plaintiff for all purposes in the above-referenced adversary proceedings in place and instead of the Official Committee of Unsecured Creditors of Washington Mutual, Inc., *et al.* (the “Committee”).

Rule 25(c) allows real parties in interest to substitute in the place of a party when the party’s interest in the lawsuit is transferred. The *Seventh Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code* [Bankr. D.I. 9178] (the “Plan”) and the Court’s order confirming the Plan [Bankr. D.I. 9759] are explicit that, on the Plan’s effective date, all claims or causes of action that constituted assets of the Debtors, including avoidance or recovery actions such as those the Committee commenced against Defendants, were vested in the Trust. As the Committee’s entire interest in these actions have vested with the Trust, substitution of the Trust for the Committee as the plaintiff in these proceedings is proper.

WHEREFORE the Trust prays that the Court enter an order in the form attached hereto as Exhibit A, substituting the Trust in place and instead of the Committee as plaintiff in the above-captioned adversary proceedings.

Dated: November 8, 2012  
Wilmington, Delaware



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*ATTORNEYS TO WMI LIQUIDATING TRUST*

**Exhibit A**

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

In re:	)	Chapter 11
	)	
Washington Mutual, Inc., <u>et al.</u> , <sup>1</sup>	)	Case No. 08-12229 (MFW)
	)	
Debtors.	)	(Jointly Administered)
	)	
<hr/> Official Committee of Unsecured Creditors of Washington Mutual, Inc., <u>et al.</u> , on behalf of Chapter 11 estates of Washington Mutual, Inc., <u>et al.</u> ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Anthony Bozzuti,	)	Adv. Proc. No. 10-53131 (MFW)
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<hr/> Chandan Sharma,	)	Adv. Proc. No. 10-53147 (MFW)
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<hr/> James Corcoran,	)	Adv. Proc. No. 10-53158 (MFW)
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<hr/> John H. Browning,	)	Adv. Proc. No. 10-53156 (MFW)
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<hr/> Keith O. Fukui,	)	Adv. Proc. No. 10-53139 (MFW)
	)	
<hr/> Marc Malone,	)	Adv. Proc. No. 10-53152 (MFW)
	)	
<hr/> Michael R. Zarro,	)	Adv. Proc. No. 10-53143 (MFW)
	)	
<hr/> Rachel M. Mileur a/k/a Rachelle M. Mileur,	)	Adv. Proc. No. 10-53133 (MFW)
	)	
<hr/> Robert C. Hill,	)	Adv. Proc. No. 10-53153 (MFW)
	)	
<hr/> Stephen E. Whittaker,	)	Adv. Proc. No. 10-53150 (MFW)
	)	

<sup>1</sup> The Debtors in these cases are: Washington Mutual, Inc. and WMI Investment Corp.

Thomas E. Morgan,	)	Adv. Proc. No. 10-53154 (MFW)
_____	)	
Ann Tierney,	)	Adv. Proc. No. 11-53299 (MFW)
_____	)	
Todd H. Baker,	)	Adv. Proc. No. 11-54031 (MFW)
	)	
Defendants.	)	
_____	)	

**ORDER APPROVING WMI LIQUIDATING TRUST’S MOTION TO SUBSTITUTE AS PLAINTIFF FOR THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF WASHINGTON MUTUAL, INC.**

Upon consideration of *WMI Liquidating Trust’s Motion to Substitute as Plaintiff for the Official Committee of Unsecured Creditors of Washington Mutual, Inc.* (the “Motion”)<sup>2</sup> and finding good grounds to grant the relief set forth in the Motion, IT IS HEREBY ORDERED THAT:

1. The Motion is granted and the WMI Liquidating Trust is, for all purposes, substituted in place and instead of the Official Committee of Unsecured Creditors of Washington Mutual, Inc. *et al.* as the plaintiff in the above-captioned adversary proceedings.

Dated: November \_\_\_\_, 2012  
Wilmington, Delaware

\_\_\_\_\_  
THE HONORABLE MARY F. WALRATH  
UNITED STATES BANKRUPTCY JUDGE

<sup>2</sup> Capitalized terms not otherwise defined herein shall have the respective meanings ascribed to such terms in the Motion.