

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

	X		
	:		
<i>In re</i>	:		Chapter 11
	:		
WASHINGTON MUTUAL, INC., <u>et al.</u> , ¹	:		Case No. 08-12229 (MFW)
	:		
Debtors.	:		(Jointly Administered)
	:		
	X		Re: D.I. 10843

**CERTIFICATION OF COUNSEL REGARDING ORDER GRANTING
THE WMI LIQUIDATING TRUST'S MOTION FOR AN ORDER
COMPELLING THE PRODUCTION OF DOCUMENTS**

The undersigned hereby certifies as follows:

1. On November 15, 2012, WMI Liquidating Trust ("WMILT"),² as successor in interest to Washington Mutual, Inc. and WMI Investment Corp., formerly debtors and debtors in possession (collectively, the "Debtors"), filed *WMI Liquidating Trust's Motion for an Order Compelling the Production of Documents* [D.I. 10843] (the "Motion") with the United States Bankruptcy Court for the District of Delaware (the "Court").

2. On December 3, 2012, AT&T Corp. and its affiliates (collectively, "AT&T") filed *AT&T's Objection to WMI Liquidating Trust's Motion for an Order Compelling the Production of Documents* [D.I. 10874] (the "Objection") with the Court.

3. On December 7, 2012, WMILT filed the *Reply of WMI Liquidating Trust in Further Support of Motion for an Order Compelling the Production of Documents* [D.I. 10887] (the "Reply") with the Court.

¹ The Debtors in these chapter 11 cases along with the last four digits of each Debtor's federal tax identification number are: (i) Washington Mutual, Inc. (3725); and (ii) WMI Investment Corp. (5395). The principal offices of WMILT, as defined herein, are located at 1201 Third Avenue, Suite 3000, Seattle, Washington 98101.

² Capitalized terms used herein, but not otherwise defined, have the meaning ascribed to such terms in the Motion.



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4. On December 11, 2012, the Court held a hearing (the "Hearing") on, *inter alia*, the Motion, the Objection, and the Reply. At the Hearing, the Court granted the Motion, subject to certain revisions to the form of order granting the Motion.

5. Based on the Court's ruling at the Hearing, annexed hereto as Exhibit A is a form of revised order (the "Proposed Order") consistent with such ruling and containing certain comments provided by counsel for AT&T.

6. Despite efforts to reach consensus, WMILT and AT&T were unable to reach an agreement. Specifically, WMILT believes that the AT&T proposed order attempts to narrow the Discovery Requests beyond what the Court directed and is inconsistent with the Court's ruling at the Hearing. WMILT has informed counsel to AT&T that it would be submitting to the Court the Proposed Order.

WHEREFORE WMILT respectfully requests that the Court enter the Proposed Order, substantially in the form attached hereto as Exhibit A, at its earliest convenience.

Dated: Wilmington, Delaware
December 17, 2012



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Attorneys to the WMI Liquidating Trust

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

	X	
	:	
<i>In re</i>	:	Chapter 11
	:	
WASHINGTON MUTUAL, INC., <u>et al.</u> , ¹	:	Case No. 08-12229 (MFW)
	:	
Debtors.	:	(Jointly Administered)
	:	
	X	Re: Docket No. 10843

**ORDER GRANTING THE WMI LIQUIDATING TRUST'S MOTION
FOR A ORDER COMPELLING THE PRODUCTION OF
DOCUMENTS TO THE EXTENT SET FORTH HEREIN**

Upon the motion (the "Motion"),² dated November 15, 2012, of WMI Liquidating Trust ("WMILT"), as successor in interest to Washington Mutual, Inc. ("WMI") and WMI Investment Corp., formerly debtors and debtors in possession (collectively, the "Debtors"), for an order, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, as made applicable to these proceedings by rules 9014, 7026, and 7034 of the Federal Rules of Bankruptcy Procedure, compelling AT&T Corp. and its affiliates (collectively, "AT&T") to produce documents responsive to the *Debtors' First Request for the Production of Documents to AT&T Corp. and its Affiliates*, dated August 31, 2011; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and

¹ The Debtors in these chapter 11 cases along with the last four digits of each Debtor's federal tax identification number are: (i) Washington Mutual, Inc. (3725); and (ii) WMI Investment Corp. (5395). The Debtors' principal offices are located at 925 Fourth Avenue, Seattle, Washington 98104.

² Capitalized terms not otherwise defined herein shall have the meaning ascribed in the Motion.

1409; and the Court having held a hearing (the "Hearing") with respect to the Motion on December 11, 2012; and after due deliberation, it is

ORDERED that the Motion is GRANTED to the extent provided herein; and it is further

ORDERED that Discovery Request No. 1 is hereby narrowed to include only all documents and communications relating to liquidated damages, damages and other like provisions in the Master Services Agreement, as such term is defined in the Discovery Request;

ORDERED that AT&T shall produce all documents responsive to Discovery Request Nos. 1-5, as modified herein, by January 31, 2012; and it is further

ORDERED that AT&T shall produce all documents responsive to Discovery Request No. 6 by at least thirty (30) days prior to a hearing on the Claim Objection; and it is further

ORDERED that all documents produced pursuant to this Order or previously produced or provided by AT&T to WMILT shall be governed by the Stipulation and Protective Order executed by counsel to WMILT and by counsel to AT&T on October 18, 2011;

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated: December __, 2012
Wilmington, Delaware

THE HONORABLE MARY F. WALRATH
UNITED STATES BANKRUPTCY JUDGE