

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

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

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

Upon the motion (the "Motion"),<sup>2</sup> 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

<sup>1</sup> 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.

<sup>2</sup> 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 damage clauses or damage provisions in the Master Services Agreement, as such term is defined in the Discovery Request; and it is further

ORDERED that Discovery Request No. 2 is hereby narrowed to include only those portions of the JPMC Agreement relating to those services that AT&T previously provided to Debtors under the Master Services Agreement and subsequently provided to JPMC; and it is further

ORDERED that Discovery Requests Nos. 3 and 4 are hereby narrowed to include only those communications and documents relating to the negotiation of, or payment for, any services that AT&T previously provided to Debtors under the Master Services Agreement <sup>("MSA")</sup> and subsequently provided to JPMC, <sup>including any negotiation for other services provided to JPMC to the extent they were modified as a result of the transfer of services provided under the MSA;</sup> and it is further

ORDERED that AT&T shall produce all documents responsive to Discovery Request Nos. 1-5, as modified herein, by February 28, 2012; and it is further

ORDERED that the parties shall agree upon and submit a proposed pre-trial order <sup>at least 30 days prior to the hearing on the Claim Objection</sup> that shall, *inter alia*, address the exchange of documents to be relied upon by the parties at the final evidentiary 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 Debtors, or to WMILT, shall be governed by the Stipulation

and Protective Order executed by counsel to Debtors and by counsel to AT&T on October 18, 2011;

ORDERED that to the extent not granted herein, the Motion is DENIED; and it is further

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 18, 2012  
Wilmington, Delaware

  
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THE HONORABLE MARY F. WALRATH  
UNITED STATES BANKRUPTCY JUDGE