

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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<i>In re</i>	:	Chapter 11
	:	
WASHINGTON MUTUAL, INC., <u>et al.</u> , ¹	:	Case No. 08-12229 (MFW)
	:	(Jointly Administered)
Debtors.	:	
	:	
-----X	:	
WMI LIQUIDATING TRUST	:	
	:	
Plaintiff,	:	
	:	
v.	:	
-----X	:	
ANTHONY BOZZUTI,	:	Adversary Proc. No. 10-53131 (MFW)
-----X	:	
CHANDAN SHARMA,	:	Adversary Proc. No. 10-53147 (MFW)
-----X	:	
EDWARD F. BACH,	:	Adversary Proc. No. 10-53132 (MFW)
-----X	:	
HENRY J. BERENS,	:	Adversary Proc. No. 10-53134 (MFW)
-----X	:	
JOHN M. BROWNING,	:	Adversary Proc. No. 10-53156 (MFW)
-----X	:	
KEITH O. FUKUI,	:	Adversary Proc. No. 10-53139 (MFW)
-----X	:	
MARC MALONE,	:	Adversary Proc. No. 10-53152 (MFW)
-----X	:	
MICHAEL R. ZARRO,	:	Adversary Proc. No. 10-53143 (MFW)
-----X	:	
RACHEL M. MILEUR a/k/a	:	Adversary Proc. No. 10-53133 (MFW)
RACHELLE M. MILEUR,	:	

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.



-----X		
ROBERT C. HILL,	:	Adversary Proc. No. 10-53153 (MFW)
-----X		
STEPHEN E. WHITTAKER,	:	Adversary Proc. No. 10-53150 (MFW)
-----X		
THOMAS E. MORGAN,	:	Adversary Proc. No. 10-53154 (MFW)
-----X		
ANN TIERNEY	:	Adversary Proc. No. 11-53299 (MFW)
-----X		
TODD H. BAKER	:	Adversary Proc. No. 11-54031 (MFW)
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RICHARD STRAUCH	:	Adversary Proc. No. 12-50848 (MFW)
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GENNADIY DARAKHOVSKIY	:	Adversary Proc. No. 12-50902 (MFW)
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ROBERT BJORKLUND, DARYL DAVID,	:	Adversary Proc. No. 12-50965 (MFW)
MARY BETH DAVIS,	:	
MICHELE GRAU-IVERSEN,	:	
DEBORA HORVATH, JEFFREY JONES,	:	
JOHN MCMURRAY, CASEY NAULT,	:	
MICHAEL REYNOLDSON,	:	
DAVID SCHNEIDER, DAVID TOMLINSON,	:	
BRUCE ALAN WEBER, AND	:	
JEFFREY WEINSTEIN,	:	
	:	
Defendants.	:	
-----X		

**CERTIFICATION OF COUNSEL REGARDING AGREED ORDER AMENDING
SCHEDULING ORDERS WITH RESPECT TO
EMPLOYEE CLAIMS HEARING AND ADVERSARY PROCEEDINGS**

The undersigned certifies as follows:

1. On October 15, 2012, the Court entered the *Agreed Order Establishing Procedures and Deadlines Concerning Hearing on Employee Claims and Discovery in Connection Therewith* [D.I. 10777] (the “Employee Claims Scheduling Order”).
2. On November 13, 2012, the Court entered the *Scheduling Order* with respect to the above-captioned adversary proceedings (the “Adversary Proceeding Scheduling Order,” together with the Employee Claims Scheduling Order, the “Scheduling Orders”).

3. WMI Liquidating Trust (“WMILT”), the claimants subject to the Employee Claims Scheduling Order (the “Claimants”), and the above-captioned defendants (the “Defendants” and, together with the Claimants and WMILT, the “Parties”) have been engaged in discovery as contemplated by the Scheduling Orders.

4. Given, among other things, the large amount of discovery served and the time consuming process of collecting and reviewing voluminous documents from multiple sources, including non-parties, the Parties desire to extend the period to object and respond to Permitted Written Discovery (as that term is defined in the Scheduling Orders), and to similarly extend or modify the other subsequent deadlines and dates set forth in the Scheduling Orders.

5. WMILT drafted an agreed proposed form of order amending the Scheduling Orders, which form of order is attached hereto as Exhibit A (the “Proposed Order”). The Proposed Order was sent to counsel for all represented Claimants and Defendants, and all *pro se* Claimants and Defendants, for whom WMILT has email contact information, via email on January 3, 2013, requesting comments and objections, if any, by 3:30 p.m. EST on January 4, 2013 (the “Response Time”). Claimants and Defendants represented by counsel Michael Busenkell, Esq. of the firm Gellert Scali Busenkell & Brown, LLC, Kevin M. Capuzzi, Esq. of the firm Pinckney, Harris & Weidinger, LLC, Stephan E. Kyle, Esq. of the firm Kyle Law Corporation, Robyn Sokol, Esq. of the firm Ezra Brutzkus Gubner LLP, Stephen W. Spence, Esq. of the firm Phillips, Goldman & Spence, P.A., Ronald M. St. Marie, Esq. of the firm Doll Amir Eley LLP, and certain other *pro se* Claimants, have agreed to amend the Scheduling Orders pursuant to the Proposed Order. Abbe Miller, Esq. of the firm Weir & Partners LLP has contacted WMILT to state that her clients take no position on the Proposed Order. As of the Response Time, WMILT has not received any objections to the Proposed Order.

WHEREFORE WMILT respectfully requests that the Court enter the Proposed Order, a copy of which is attached hereto as Exhibit A, on or before January 7, 2013, which date is prior to or concurrent with any current deadline to object or respond to Permitted Written Discovery served pursuant to the Scheduling Orders.

Dated: January 4, 2013
Wilmington, Delaware



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Attorneys for WMI Liquidating Trust

EXHIBIT A

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

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WMI LIQUIDATING TRUST	:	
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BRUCE ALAN WEBER, AND	:	
JEFFREY WEINSTEIN,	:	
	:	
Defendants.	:	
-----X		

**AGREED ORDER AMENDING SCHEDULING ORDERS WITH RESPECT TO
EMPLOYEE CLAIMS HEARING AND ADVERSARY PROCEEDINGS**

The Court having entered the *Agreed Order Establishing Procedures and Deadlines Concerning Hearing on Employee Claims and Discovery in Connection Therewith*, dated October 15, 2012 [D.I. 10777] (the “Employee Claims Scheduling Order”), with respect to, among other things, the conduct of discovery in connection with the hearing on the claims of the claimants subject to the Employee Claims Scheduling Order (the “Claimants”); and the Court having entered the *Scheduling Order* with respect to the above-captioned adversary proceedings (the “Adversary Proceeding Scheduling Order” and, together with the Employee Claims Scheduling Order, the “Scheduling Orders”); and WMI Liquidating Trust (“WMILT”), the

Claimants and the above-captioned adversary proceeding defendants (the “Defendants” and, together with the Claimants and WMILT, the “Parties”) having determined that the significant volume of discovery at issue, and the time consuming process of collecting voluminous documents from multiple sources, has necessitated extending the deadlines provided for by the Scheduling Orders; and the Parties having agreed to extend or modify the deadlines and dates provided for by the Scheduling Orders; and after due deliberation, it is

ORDERED that, except as otherwise specifically provided herein, all deadlines set by the Scheduling Orders that have not passed as of January 4, 2013, including, without limitation, the deadline for the Parties to respond to Permitted Written Discovery served pursuant to the Scheduling Orders, shall be extended sixty (60) days (or to the next Business Day if such extended deadline falls on a Saturday, Sunday or “Legal Holiday” as defined in Rule 6(a)(6) of the Federal Rules of Civil Procedure); and it is further

ORDERED that the pre-hearing briefs, if any, described in paragraph 12 of the Employee Claims Scheduling Order shall be filed by May 8, 2013; and it is further

ORDERED that the pre-Hearing conference described in paragraph 13 of the Employee Claims Scheduling Order shall be held on a date to be agreed upon by the Parties and the Court, but in no event shall such date be earlier than May 22, 2013; and it is further

ORDERED that the Hearing, as described in paragraphs 15 and 16 of the Employee Claims Scheduling Order, shall commence on a date to be agreed upon by the Parties and the Court, but in no event shall such date be earlier than June 10, 2013; and it is further

ORDERED that the post-trial memorandum described in paragraph 14 of the Employee Claims Scheduling Order shall remain due within fourteen (14) days after the Hearing; and it is further

ORDERED that, notwithstanding anything to the contrary in the Scheduling Orders, the deadlines in the Scheduling Orders, as modified herein, other than for (i) filing a pre-hearing brief, (ii) the Hearing, and (iii) filing a post-trial memorandum, may be further modified by agreement of the Parties without an order of the Court; and it is further

ORDERED that, except as amended herein or by further Order of the Court, the Scheduling Orders shall remain in full force and effect; and it is further

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

Dated: January __, 2013
Wilmington, Delaware

THE HONORABLE MARY F. WALRATH
UNITED STATES BANKRUPTCY JUDGE