

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

In re:	:	Chapter 11
WASHINGTON MUTUAL, INC., et al.,	:	Case No. 08-12229:(MFW) Jointly
Debtors.	:	Re: Docket Nos. 10995 and 11029
	:	
	:	
	:	

**CERTIFICATION OF COUNSEL REGARDING
MOTION OF MICHAEL A. ZARRO TO REINSTATE
PROOF OF CLAIM 1743 AND VACATE ORDER DISALLOWING CLAIM
AND FOR ATTORNEYS’ FEES AND COSTS**

I, Kenneth E. Aaron, Esquire, counsel for Claimant, Michael A. Zarro (“Claimant”), in the above captioned matter, hereby states as follows:

1. On January 24, 2012, Claimant filed the Motion of Michael A. Zarro to Reinstate Proof of Claim 1743 and Vacate Order Disallowing Claim and for Attorneys’ Fees and Costs (the “Motion”) (D.I. 10995) requesting reinstatement of his proof of claim (Claim No. 1743) (the “Claim”), vacating this Court’s prior order disallowing the Claim (D.I. 10179), and awarding Claimant attorneys’ fees and costs associated with the filing and prosecution of the Motion. (D.I. 10995.)

2. On February 14, 2012, WMI Liquidating Trust (“WMILT”), as successor in interest to Washington Mutual, Inc. and WMI Investment Corp., formerly debtors and debtors in possession, filed its Objection to the Motion (the “Objection”). (D.I. 11029.)

3. After proper notice, on February 21, 2013, this Court held a hearing on the Motion (the “Hearing”). At the Hearing, this Court determined that the Motion was granted in part and denied in part, as follows:

- a. the Claim would be reinstated;



- b. this Court's prior Order dated May 16, 2012 (D.I. 10179) disallowing Proof of Claim 1743 would be vacated in part; and
 - c. Claimant's request for attorneys' fees and costs would be denied.
4. A copy of the proposed form of Order reflecting the above is attached hereto as Exhibit "A". This form of Order has been circulated to and approved by counsel for WMILT.
5. The undersigned respectfully requests that this Honorable Court enter the proposed form of Order attached as Exhibit "A".
6. The undersigned is available to answer any inquires the Court may have regarding this Certification.

WEIR & PARTNERS LLP

BY: /s/ Kenneth E. Aaron
Kenneth E. Aaron, Esquire (# 4043)
824 Market Street Mall, Suite 800
P.O. Box 708
Wilmington, Delaware 19801
Telephone: (302) 652-8181
Facsimile: (302) 652-8909
kaaron@weirpartners.com

Abbe A. Miller, Esquire (admitted *pro hac vice*)
WEIR & PARTNERS LLP
The Widener Building
1339 Chestnut Street
Suite 500
Philadelphia, Pennsylvania 19107
Telephone: (215) 665-8181
Facsimile: (215) 665-8464
abbe.miller@weirpartners.com

Attorneys for Michael A. Zarro

Wilmington, DE
February 25, 2013

Exhibit “A”

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	:	
	:	Chapter 11
WASHINGTON MUTUAL, INC., et al.,	:	Case No. 08-12229
	:	(MFW) Jointly
	:	
Debtors.	:	Re: Docket Nos. 10995 and 11029
	:	
	:	

ORDER

AND NOW, this ____ day of February, 2013, upon consideration of the Motion of Michael A. Zarro to Reinstate Proof of Claim 1743 and Vacate Order Disallowing Claim (the “Motion”) (D.I. 10995), and the Objection of WMI Liquidating Trust (D.I. 11029) to the Motion, adequate notice having been given, and a hearing having been held before this Court on February 21, 2013, it is hereby

ORDERED that, as stated on the record at the hearing on the Motion on February 21, 2013, the Motion is **GRANTED** in part and **DENIED** in part; and it is further

ORDERED that Proof of Claim 1743 is hereby reinstated; and it is further

ORDERED that the portion of this Court’s Order dated May 15, 2012 (D.I. 10179) disallowing Proof of Claim 1743 is hereby vacated; and it is further

ORDERED that Movant’s request for attorneys’ fees and costs is **DENIED**.

Mary F. Walrath
United States Bankruptcy Judge

Dated: February , 2013
Wilmington, DE