

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

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|---|---|---|
| In re: |) | Chapter 11 |
| |) | Case No. 08-12229 (MFW) |
| Washington Mutual, Inc., <i>et al.</i> , ¹ |) | (Jointly Administered) |
| |) | |
| Debtors. |) | Ref. Docket No. 11020 & 11040 |
| |) | |
| |) | Hearing Date: March 7, 2013 at 10:30 AM |
| |) | EST |
| |) | |

REPLY OF JOHN MCMURRAY, ALFRED BROOKS, TODD BAKER, THOMAS CASEY, DEBORA HORVATH, AND DAVID SCHNEIDER TO WMI LIQUIDATING TRUST’S LIMITED OMNIBUS OBJECTION TO CERTAIN EMPLOYEE CLAIMANTS’ MOTIONS TO AMEND

Claimants John McMurray, Alfred Brooks, Todd Baker, Thomas Casey, Debora Horvath, and David Schneider (collectively, the “Claimants”), by and through their undersigned counsel, hereby reply to *WMI Liquidating Trust’s Limited Omnibus Objection to Certain Employee Claimants Motions to Amend* [D.I. No. 11040] (the “Limited Omnibus Objection”).

On February 1, 2013, Claimants filed their motions for entry of an order authorizing Claimants to amend their respective claims pursuant to Bankruptcy Rule 7015 (the “Motions”). Washington Mutual Liquidating Trust (“WMILT”), by and through the Limited Omnibus Objection, does not oppose the Motions or the amendment of Claimants’ claims to assert alternative theories of recovery based on the WaMu Executive Officer Severance Plan. WMILT, however, requests that it be given 60 days to file objections to Claimants’ amended proofs of claim and that the Court allow WMILT to pursue additional adversary proceedings based upon the WaMu Executive Officer Severance Plan. *See* Limited Omnibus Objections, at ¶ 27.

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).



Claimants submit this reply to state their belief that the proposed 60-day period for WMILT to respond to Claimants' amended proofs of claims is too long. Claimants propose, as stated in the attached proposed order, that Claimants amended proofs of claim be filed within 15 days and that WMILT's objections follow within 15 days thereafter. *See* Proposed Order attached hereto as Exhibit A. Additionally, Claimants do not seek to restrict WMILT's ability to bring additional adversary proceedings based upon the WaMu Executive Officer Severance Plan, but wish to clarify and assure that nothing in any potential order of the Court will be construed as extending or tolling any applicable statute of limitations applicable to any adversary proceeding or permit WMILT to file additional adversary proceedings or claims for relief other than with respect to the WaMu Executive Officer Severance Plan. Based on these concerns, Claimants have included language in their proposed order which seeks to clarify that the applicable statute of limitations is unaltered by the Court and any additional claims for relief or adversary proceedings are limited to the WaMu Executive Officer Severance Plan.

WHEREFORE, based on the foregoing, Claimants request that the Court enter the proposed form of order attached hereto.

Dated: March 4, 2013

PHILLIPS, GOLDMAN & SPENCE, P.A.

/s/ Stephen W. Spence
Stephen W. Spence, Esquire (#2033)
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Attorneys for Claimants

Exhibit “A”

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ORDER

Upon the motions, dated February 1, 2013 (the “Motions”), of John McMurray, Alfred Brooks, Todd Baker, Thomas Casey, Debora Horvath, and David Schneider (collectively, the “Claimants”) for entry of an order authorizing Claimants to amend their respective claims as more fully set forth in the Motions, pursuant to Bankruptcy Rule 7015; the Court finding that it has jurisdiction over this matter and the relief requested herein pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that due and proper notice of the Motions and the relief requested therein having been given, and no other or further notice need be given, and all parties in interest having been heard or having been afforded an opportunity to be heard; and the Court having determined that the legal and factual bases set forth in the Motions establish just cause for the relief granted herein; and the Court having determined that good and just cause appears in favor of granting the Motions;

IT IS HEREBY ORDERED THAT:

1. The Motions are GRANTED;

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).

2. Claimants are hereby granted leave to file amended proofs of claim asserting a claim pursuant to their respective WaMu Executive Officer Severance Plans within 15 days of the entry of this Order;
3. Claimants amended proofs of claim will relate back to March 31, 2009 (the “Bar Date”);
4. WMI Liquidating Trust may file objections to the amended proofs of claims with respect to any WaMu Executive Severance Plan claims within 30 days of the entry of this Order;
5. WMI Liquidating Trust is granted leave to bring additional adversary proceedings related to the WaMu Executive Officer Severance Plan within 30 days of the entry of this Order;
6. Nothing in this Order shall be construed as extending or tolling any applicable statute of limitations applicable to any adversary proceeding;
7. This Order is without prejudice to the rights of any party to seek additional relief from this Court; and,
8. This Court shall retain jurisdiction with respect to any matters related to or arising from the implementation of this Order.

Dated: March _____, 2013

Wilmington, Delaware

THE HONORABLE MARY F. WALRATH
UNITED STATES BANKRUPTCY JUDGE

CERTIFICATE OF SERVICE

I, Celeste A. Hartman, Senior Paralegal, do hereby certify that I am over the age of 18 and that on March 4, 2013, I caused a copy of *Reply of John McMurray, Alfred Brooks, Todd Baker, Thomas Casey, Debora Horvath, and David Schneider to WMI Liquidating Trust's Limited Omnibus Objection to Certain Employee Claimants' Motions to Amend* to be served upon all persons receiving notice through the Court's cm/ecf system, with a copy to those persons listed below, in the manner indicated.

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Wilmington, DE 19801

Under penalty of perjury, I certify the foregoing to be true and correct.

 /s/ Celeste A. Hartman
CELESTE A. HARTMAN