

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11
)	
WASHINGTON MUTUAL, INC., <i>et al.</i> , ¹)	Case No.: 08-12229 (MFW)
)	(Jointly Administered)
)	
Debtors.)	Re: D.I. Nos. 11026, 11040
)	
)	

CERTIFICATION OF COUNSEL REGARDING MOTION OF JOHN H. MURPHY FOR LEAVE TO AMEND HIS PROOF OF CLAIM TO ASSERT AN ALTERNATE THEORY OF RECOVERY

I, Michael J. Joyce, of Cross & Simon, LLC, counsel to John H. Murphy (“Murphy”) in the above-captioned matter, hereby certify as follows:

1. On February 8, 2013, Murphy filed his Motion of John H. Murphy for Leave to Amend his Proof of Claim to Assert an Alternate Theory of Recovery [D.I. No. 11026] (the “Motion”).

2. On February 26, 2013, the WMI Liquidating Trust (“WMILT”) filed its Limited Omnibus Objection to Certain Employee Claimants’ Motions to Amend [D.I. No. 11040] (the “Limited Objection”).

3. Murphy and WMILT have reached a consensual resolution with respect to the Motion and have agreed on the form of order attached hereto as Exhibit A.

WHEREFORE, undersigned counsel respectfully requests that the Court enter the proposed order, attached hereto as Exhibit A, at the earliest convenience of the Court.

¹ The Debtors in this Chapter 11 case, along with the last four digits of each Debtor’s federal tax identification numbers are: (i) Washington Mutual, Inc. (3725); and (ii) WMI Investment Corp. (5395). The Debtors’ principal offices are located at 1301 Second Avenue, Seattle, Washington 98191.



Dated: March 13, 2013
Wilmington, Delaware

CROSS & SIMON, LLC

By: 

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Exhibit A

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FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
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)	Case No. 08-12229 (MFW)
Washington Mutual, Inc., <i>et al.</i> , ¹)	(Jointly Administered)
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ORDER

Upon the motion, dated, February 8, 2013 (the “Motion”), of John H. Murphy (“Murphy”) for entry of an order authorizing Murphy to amend his proof of claim as more fully set forth in the Motion, 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 Motion 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 Motion establish just cause for the relief granted herein; and the Court having determined that good and just cause appears in favor of granting the Motion;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein;

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. Murphy is hereby granted leave to file an amended proof of claim asserting a claim pursuant to his WaMu severance plan as set forth in the Motion, within 15 days of the entry of this Order;
3. Murphy's amended proof of claim will relate back to the bar date established in these cases, March 31, 2009;
4. WMI Liquidating Trust may file an objection (the "Objection") to the amended proof of claim solely with respect to any WaMu severance plan claim amendment, unless otherwise agreed to by the parties or ordered by the Court, within 30 days of the entry of this Order;
5. Murphy may file a response, if any, to the Objection within 45 days of the entry of this Order;
6. The parties may take additional discovery solely with respect to the WaMu severance plan claim;
7. WMI Liquidating Trust is granted leave to bring an additional adversary proceeding related solely to the WaMu severance plan claim within 30 days of the entry of this Order;
8. Murphy hereby waives the invocation of any defense based on the running of any statute of limitation, statute of repose, period of prescription, contractual period of limitation, laches, and any other rule or doctrine, at law or in equity, relating to the timeliness of any claims that could have been timely asserted by WMI Liquidating Trust solely with respect to an adversary proceeding related to the WaMu severance plan claim.
9. This Order is without prejudice to the rights of any party to seek additional relief from this Court; and,

10. 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, Michael J. Joyce, hereby certify that on this 13th day of March, 2013, I caused copies of the foregoing *Certification of Counsel regarding Motion of John H. Murphy for Leave to Amend his Proof of Claim to Assert an Alternate Theory of Recovery* to be served on the parties listed below via CM/ECF and/or as otherwise indicated:

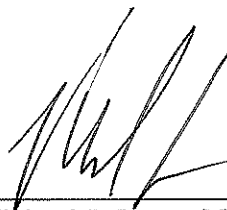
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