

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

<p><i>In re:</i></p> <p>WASHINGTON MUTUAL, INC., <i>et al.</i>,</p> <p style="text-align:center">Debtors.</p>	<p>Chapter 11</p> <p>Case No. 08-12229 (MFW)</p> <p>(Jointly Administered)</p>
---------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------

STIPULATION

WHEREAS, Denise Cassese, George Rush, and Richard Schroer (collectively, “Claimants”) filed an action on June 6, 2005 in the United States District Court for the Eastern District of New York (the “District Court”), designated as No. 05-cv-2724 (AJS) (the “Cassese Action”);

WHEREAS, on or about March 31, 2009, Claimants and class counsel filed proofs of claim (Claim Numbers 2463, 2470, 2500, and 2505) (the “Bankruptcy Claims”) in the United States Bankruptcy Court for the District of Delaware on their own behalf and on behalf of the certified class against Washington Mutual, Inc. (together with WMI Investment Corp., the “Debtors”);

WHEREAS, on March 1, 2010, the Debtors interposed a preliminary objection to the Bankruptcy Claims in *Debtors’ Twenty-Third Omnibus (Substantive) Objection to Claims*, which was opposed by Claimants;

WHEREAS, on February 15, 2011, Claimants and Debtors executed a *Class Action Settlement Agreement* (the “Settlement Agreement”) providing for the full settlement and release of the Bankruptcy Claims and the claims asserted in the Cassese Action;

WHEREAS, on May 2, 2011, this Bankruptcy Court approved the Settlement Agreement and entered the ORDER PURSUANT TO SECTION 105(a) OF THE BANKRUPTCY CODE AND



RULE 9019 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE (I) APPROVING THE CASSESE LITIGATION SETTLEMENT AGREEMENT AND (II) REDUCING AND ALLOWING CLAIMS RELATED TO THE CASSESE LITIGATION (Doc. No. 7251);

WHEREAS, on September 21, 2011, the District Court entered the Final Order (as such term is defined in the Settlement Agreement) approving the Settlement Agreement;

WHEREAS, on November 20, 2012, the United States Court of Appeal for the Second Circuit (“Second Circuit”) affirmed the District Court’s Final Order approving the Settlement Agreement;

WHEREAS, on or about February 19, 2013, a single objector to the Settlement Agreement filed a petition for writ of certiorari to the United States Supreme Court seeking review of the Second Circuit’s November 20, 2013 Summary Order and Judgment;

WHEREAS, Claimants were served by the bankruptcy administrator with a document styled *Notice of Final Opportunity to Grant Release for Holders of Allowed Claims and Disputed Claims* (the “Release”); and

WHEREAS, Claimants believe that the Settlement Agreement and this Bankruptcy Court’s May 2, 2011 Order governs the adjudication of the Bankruptcy Claims and the claims asserted in the Cassese Action;

IT IS THEREFORE STIPULATED AND AGREED, between and among Claimants and WMI Liquidating Trust, as successor to the Debtors, by and through their respective counsel of record, that the release of the Bankruptcy Claims will continue to be governed by the Settlement Agreement and this Court’s May 2, 2011 Order, irrespective of whether Claimants execute and return the Release.

Dated: March 13, 2013

<p><u>/s/ Brian D. Long</u> Brian D. Long (No. 4347) RIGRODSKY & LONG, P.A 2 Righter Parkway, Suite 120 Wilmington, DE 19803 Tel: (302) 295-5310 Fax: (302) 654-7530 Email: bdl@rigrodskylong.com</p> <p><i>Liaison Counsel for Claimants</i></p> <p>TUSA P.C. Joseph S. Tusa (<i>pro hac vice</i>) 1979 Marcus Avenue, Ste. 210 Lake Success, NY 11042 Tel. (516) 622-2212 Fax. (516) 706-1373 Email: joseph.tusapc@gmail.com</p> <p>LOWEY DANNENBERG COHEN & HART, P.C. Peter D. St. Philip, Jr. (<i>pro hac vice</i>) One North Broadway, 5th Floor White Plains, NY 10601 Tel. (914) 997-5000 Fax. (914) 997-0035 Email: PStPhillip@lowey.com</p> <p><i>Counsel for Claimants and Class Counsel</i></p>	<p><u>/s/ Amanda R. Steele</u> Mark D. Collins, Esq. (No. 2981) Paul N. Heath (No. 3704) Amanda R. Steele (No. 5530) RICHARDS, LAYTON & FINDER, P.A. One Rodney Square 920 North King Street Wilmington, DE 19801 Tel: (302) 651-7700 Fax: (302) 651-7701 Email: collins@rlf.com heath@rlf.com steele@rlf.com</p> <p>WEIL, GOTSHAL & MANGES LLP Brian S. Rosen, Esq. 767 Fifth Avenue New York, NY 10153 Tel: (212) 310-8000 Fax: (212) 310-8007</p> <p><i>Counsel for Debtors and the WMI Liquidating Trust</i></p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

So Ordered
on this ____ day of _____, 2013

Mary F. Walrath
United States Bankruptcy Judge