

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.)	Hearing Date: March 25, 2013 at 10:30 a.m.
)	
_____)	Re: D.I. Nos. 11032 and 11141

**OBJECTION AND JOINDER IN OBJECTION TO WMI LIQUIDATING TRUST’S
MOTION FOR LEAVE TO AMEND THE FIFTH, SIXTH, SEVENTY-NINTH,
EIGHTIETH, EIGHTY-FIRST, EIGHTY-SECOND, EIGHTY-FOURTH,
EIGHTY-FIFTH, AND EIGHTY-EIGHTH OMNIBUS OBJECTIONS TO CLAIMS**

Claimant John H. Murphy (“Murphy”), by and through his undersigned counsel, hereby submits the following Objection and Joinder in Objection to WMI LIQUIDATING TRUST’S MOTION FOR LEAVE TO AMEND THE FIFTH, SIXTH, SEVENTY-NINTH, EIGHTIETH, EIGHTY-FIRST, EIGHTY-SECOND, EIGHTY-FOURTH, EIGHTY-FIFTH, AND EIGHTY-EIGHTH OMNIBUS OBJECTIONS TO CLAIMS (the “Motion”) [D.I. No. 11032]. In support of this Objection and Joinder in Objection, Murphy respectfully represents as follows:

OBJECTION AND JOINDER IN OBJECTION

1. Murphy hereby joins in and adopts the Objection of John McMurray, Alfred Brooks, Todd Baker, Thomas Casey, Debora Horvath, David Schneider, Stephen Rotella, David Beck, Sean Beckett, Anthony Bozzuti, Rajiv Kapoor, Marc Malone, Thomas E. Morgan, Genevieve Smith, Radha Thompson, Ann Tierney, Daryl David, Kimberly Cannon, Michael Reynoldson, Chandan Sharma and Robert Bjorklund to WMI Liquidating Trust’s

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.

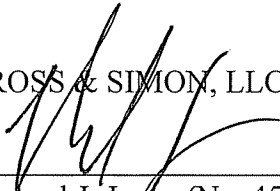


Motion to Amend the Fifth, Sixth, Seventy-Ninth, Eightieth, Eighty-First, Eighty-Second, Eighty-Fourth, Eighty-Fifth, and Eighty-Eighth Omnibus Objections to Claims [Docket No. 11141].

2. Murphy further objects to the Motion on the grounds that he would be unduly prejudiced by the proposed amendment, since it involves the assertion of a new legal theory that existed and could have been asserted by the debtors and/or WMILT at the time of filing the original objections to claims. The deadline to propound written discovery has passed and Murphy would be required to defend against the new legal theories without the opportunity to conduct written discovery. Even if written discovery were permitted, the employee claims hearing and trial would be delayed further. It has been over 4½ years since the bankruptcy was commenced and the resolution of the claims filed by Murphy has already been delayed on more than one occasion. Indeed, the Debtors filed their Sixth Omnibus Objections to Claims [D.I. No. 1234], objecting to Murphy's CIC claim, **on June 26, 2009**. Murphy deserves to have his claims heard and decided by the Court, without further delay and on the grounds already asserted by WMILT.

3. WHEREFORE, for all of the above reasons, the Murphy requests that the Court enter an order denying the Motion in its entirety.

Dated: March 18, 2013
Wilmington, Delaware

CROSS & SIMON, LLC
By: 
Michael J. Joyce (No. 4563)
David G. Holmes (No. 4718)
913 North Market Street, 11th Floor
P.O. Box 1380
Wilmington, Delaware 19899-1380
(302) 777-4200
(302) 777-4224 (fax)
mjoyce@crosslaw.com
Counsel to John H. Murphy

CERTIFICATE OF SERVICE

I, Michael J. Joyce, hereby certify that on this 18th day of March, 2013, I caused copies of the foregoing *Objection and Joinder in Objection to WMI Liquidating Trust's Motion for Leave to Amend the Fifth, Sixth, Seventy-ninth, Eightieth, Eighty-first, Eighty-second, Eighty-fourth, Eighty-fifth, and Eighty-eighth Omnibus Objections to Claims* to be served on the parties listed below via CM/ECF and/or as otherwise indicated:

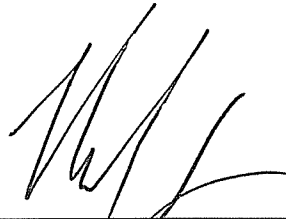
Amanda R. Steele, Esquire
Richards, Layton and Finger
920 N. King Street
Wilmington, DE 19801

VIA FIRST CLASS MAIL

Brian S. Rosen, Esquire
Lawrence J. Baer, Esquire
Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, New York 10153

Christopher L. Boyd, Esquire
Patrick M. Mott, Esquire
Akin Gump Strauss Hauer & Feld LLP
One Bryant Park
New York, NY 10036

Julio C. Gurdian, Esquire
Weil, Gotshal & Manges LLP
1395 Brickell Avenue
Suite 1200
Miami, Florida 33131



Michael J. Joyce (No. 4563)