

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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<i>In re</i>	:
	:
WASHINGTON MUTUAL, INC., <u>et al.</u> , ¹	:
	:
Debtors.	:
	:
-----X	
-----X	
WMI LIQUIDATING TRUST	:
	:
Plaintiff,	:
	:
v.	:
-----X	
ANTHONY BOZZUTI,	:
-----X	
CHANDAN SHARMA,	:
-----X	
EDWARD F. BACH,	:
-----X	
HENRY J. BERENS,	:
-----X	
JOHN M. BROWNING,	:
-----X	
KEITH O. FUKUI,	:
-----X	
MARC MALONE,	:
-----X	
MICHAEL R. ZARRO,	:
-----X	
RACHEL M. MILEUR a/k/a	:
RACHELLE M. MILEUR,	:
	:

Chapter 11
Case No. 08-12229 (MFW)
(Jointly Administered)
Re: Docket No. 11032

Adversary Proc. No. 10-53131 (MFW)
Adversary Proc. No. 10-53147 (MFW)
Adversary Proc. No. 10-53132 (MFW)
Adversary Proc. No. 10-53134 (MFW)
Adversary Proc. No. 10-53156 (MFW)
Adversary Proc. No. 10-53139 (MFW)
Adversary Proc. No. 10-53152 (MFW)
Adversary Proc. No. 10-53143 (MFW)
Adversary Proc. No. 10-53133 (MFW)

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). The principal offices of WMILT, as defined herein, are located at 1201 Third Avenue, Suite 3000 Seattle, Washington 98101.



-----X		
ROBERT C. HILL,	:	Adversary Proc. No. 10-53153 (MFW)
-----X		
STEPHEN E. WHITTAKER,	:	Adversary Proc. No. 10-53150 (MFW)
-----X		
THOMAS E. MORGAN,	:	Adversary Proc. No. 10-53154 (MFW)
-----X		
ANN TIERNEY	:	Adversary Proc. No. 11-53299 (MFW)
-----X		
TODD H. BAKER	:	Adversary Proc. No. 11-54031 (MFW)
-----X		
RICHARD STRAUCH	:	Adversary Proc. No. 12-50848 (MFW)
-----X		
GENNADIY DARAKHOVSKIY	:	Adversary Proc. No. 12-50902 (MFW)
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ROBERT BJORKLUND, DARYL DAVID,	:	Adversary Proc. No. 12-50965 (MFW)
MARY BETH DAVIS,	:	
MICHELE GRAU-IVERSEN,	:	
DEBORA HORVATH, JEFFREY JONES,	:	
JOHN MCMURRAY, CASEY NAULT,	:	
MICHAEL REYNOLDSON,	:	
DAVID SCHNEIDER, DAVID TOMLINSON,	:	
BRUCE ALAN WEBER, AND	:	
JEFFREY WEINSTEIN,	:	
	:	
Defendants.	:	
-----X		

**CERTIFICATION OF COUNSEL REGARDING ORDER ADJOURNING HEARING
ON WMI LIQUIDATING TRUST’S MOTION TO AMEND OMNIBUS OBJECTIONS
AND SUSPENDING AMENDED SCHEDULING ORDER WITH RESPECT TO
EMPLOYEE CLAIMS HEARING AND ADVERSARY PROCEEDINGS**

The undersigned certifies as follows:

1. On October 15, 2012, the Court entered the *Agreed Order Establishing Procedures and Deadlines Concerning Hearing on Employee Claims and Discovery in Connection Therewith* [D.I. 10777] (the “Employee Claims Scheduling Order”).
2. On November 13, 2012, the Court entered the *Scheduling Order* with respect to the above-captioned adversary proceedings (the “Adversary Proceeding Scheduling”).

Order,” together with the Employee Claims Scheduling Order, the “Original Scheduling Orders”).

3. On January 7, 2013, the Court entered the *Agreed Order Amending Scheduling Orders With Respect to Employee Claims Hearing and Adversary Proceedings* [D.I. 10975] (together with the Original Scheduling Orders, the “Scheduling Orders”).

4. WMI Liquidating Trust (“WMILT”), the claimants subject to the Employee Claims Scheduling Order (the “Claimants”), and the above-captioned defendants (the “Defendants” and, together with the Claimants and WMILT, the “Parties”) have been engaging in discovery as contemplated by the Scheduling Orders.

5. In early February, 2013, various Claimants filed motions to amend their proofs of claim. [D.I. 11009, 11010, 11011, 11012, 11013, 11014, 11015, 11016, 11017, 11018, 11019, 11020, and 11026]

6. On February 19, 2013, WMILT filed the *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* [D.I. 11032] (the “Motion to Amend”). Subsequent thereto, various Claimants approached WMILT requesting that the hearing on the Motion to Amend be continued, without prejudice, so that the parties may engage in settlement discussions.

7. As discussed on the record of the March 25, 2013 omnibus hearing in these chapter 11 cases (the “Omnibus Hearing”), the parties desire to (i) continue WMILT’s Motion to Amend, without prejudice, to June 3, 2013, and (ii) suspend the current Scheduling Orders, without prejudice, with respect to all actions, obligations, deadlines and dates set forth therein while settlement discussions are ongoing; provided, however, that (a) WMILT shall post

minutes from board meetings relating to the period from January 1, 2008 up to and including September 26, 2008 to the document Depository (as defined in the Scheduling Orders), (b) Claimants' and Defendants' obligation to provide any outstanding proposed witness lists and written responses to *WMILT's First Set of Requests for Production of Documents From, and Interrogatories and Requests for Admission Directed to, Claimants and Adversary Proceeding Defendants* [D.I. 10893], which lists and responses were due prior to March 25, 2013, shall not be suspended and shall be provided no later than April 5, 2013; and (c) nothing herein is intended to suspend or otherwise affect the obligation of JPMorgan Chase Bank, N.A. or any other third party to these proceedings to respond to the Parties' pending discovery requests.

8. Attached hereto as **Exhibit A** is an agreed proposed form of order adjourning the Motion to Amend and suspending the Scheduling Orders (the "Proposed Order"). WMILT circulated a prior version of the Proposed Order to counsel for Claimants in attendance at the Omnibus Hearing and the Proposed Order contains suggested revisions to matters raised at the Omnibus Hearing. Other suggested revisions which relate to matters which were not raised at the Omnibus Hearing or went well beyond the agreement stated on the record of the Omnibus Hearing have not been incorporated into the Proposed Order.

WHEREFORE WMILT respectfully requests that the Court enter the Proposed Order.

Dated: March 29, 2013
Wilmington, Delaware

/s/ Amanda R. Steele

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Paul N. Heath (No. 3704)
Tyler D. Semmelman (No. 5386)
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Attorneys for WMI Liquidating Trust

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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WMI LIQUIDATING TRUST	:
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Plaintiff,	:
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JOHN M. BROWNING,	:
-----X	
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ANN TIERNEY	:	Adversary Proc. No. 11-53299 (MFW)
-----X		
TODD H. BAKER	:	Adversary Proc. No. 11-54031 (MFW)
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	:	
Defendants.	:	
-----X		

**ORDER ADJOURNING HEARING ON
WMI LIQUIDATING TRUST’S MOTION TO
AMEND OMNIBUS OBJECTIONS AND SUSPENDING
AMENDED SCHEDULING ORDER WITH RESPECT TO
EMPLOYEE CLAIMS HEARING AND ADVERSARY PROCEEDINGS**

Upon the *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* [D.I. 11032] (the “Motion to Amend”); and objections to the Motion to Amend and joinders to such objections having been filed by certain of the Claimants (as defined below); and the Court having entered the *Agreed Order Establishing Procedures and Deadlines Concerning Hearing on Employee Claims and Discovery in Connection Therewith*,

dated October 15, 2012 [D.I. 10777] (the “Employee Claims Scheduling Order”), with respect to, among other things, the conduct of discovery in connection with the hearing to consider the claims of the claimants (the “Claimants”) and the objections subject to the Employee Claims Scheduling Order; and the Court having entered the *Scheduling Order* with respect to the above-captioned adversary proceedings (the “Adversary Proceeding Scheduling Order” and, together with the Employee Claims Scheduling Order, the “Original Scheduling Orders”); and the Court having entered the *Agreed Order Amending Scheduling Orders With Respect to Employee Claims Hearing and Adversary Proceedings*, dated January 7, 2013 [D.I. 10975] (the “Amended Scheduling Order”); and various Claimants having filed motions to amend their respective proofs of claim [D.I. 11009, 11010, 11011, 11012, 11013, 11014, 11015, 11016, 11017, 11018, 11019, 11020, and 11026]; and the Court having entered the *Order Granting the Motion of Chandan Sharma for Entry of an Order Authorizing Claimant To Amend his Respective Claim as More Fully Set Forth in the Motion*, dated March 7, 2013 [D.I. 11063], the *Order Granting the Motions of John McMurray, Alfred Brooks, et al., for Entry of an Order Authorizing Claimants To Amend Their Respective Claims as More Fully Set Forth in the Motions*, dated March 7, 2013 [D.I. 11062], the *Order Granting Motions of Sean Beckett, Anthony Bozzuti, et al.*, dated March 7, 2013 [D.I. 11061], and the *Order Granting of John Murphy for Entry of an Order Authorizing Murphy To Amend his Proof of Claim as More Fully Set Forth in the Motion*, dated March 15, 2013 [D.I. 11136] (collectively, the “Orders Granting Claimants Leave to Amend Proofs of Claim”); and WMI Liquidating Trust (“WMILT”) and certain of the Claimants and the above-captioned adversary proceeding defendants (the “Defendants” and, together with the Claimants and WMILT, the “Parties”) having mutually agreed to continue WMILT’s Motion to Amend and suspend all actions, obligations, dates and deadlines pursuant to the Scheduling Orders so that

the Parties may pursue settlement discussions and, to the extent necessary, participate in mediation, with respect to the employee claims; and after due deliberation, it is

ORDERED that WMILT's Motion to Amend shall be adjourned until June 3, 2013 (the "Hearing"), without prejudice to the relief WMILT seeks in the Motion to Amend, including, without limitation, the timeliness thereof; provided, however, that, except as otherwise permitted pursuant to an order of the Court, upon notice and a hearing, in accordance with applicable Local Rules of the Court, all briefing with respect to the Motion to Amend shall be closed; and it is further

ORDERED that all actions, obligations, deadlines and dates set by the Scheduling Orders that have not passed as of March 25, 2013, including, without limitation, the Parties' obligations with respect to the production of documents, shall be suspended and deadlines and dates with respect thereto shall be re-established pursuant to the terms of a further amended Scheduling Order which shall be negotiated by the Parties and presented to the Court at the Hearing; provided, however, that, notwithstanding the foregoing, (a) WMILT shall post minutes from board meetings relating to the period from January 1, 2008 up to and including September 26, 2008 to the document Depository (as defined in the Scheduling Orders), (b) Claimants' and Defendants' obligation to provide any outstanding proposed witness lists and written responses to *WMILT's First Set of Requests for Production of Documents From, and Interrogatories and Requests for Admission Directed to, Claimants and Adversary Proceeding Defendants* [D.I. 10893], which lists and responses were due prior to March 25, 2013, shall not be suspended and shall be provided no later than April 5, 2013; and (c) nothing herein is intended to suspend or otherwise affect the obligation of JPMorgan Chase Bank, N.A. or any other third party to these proceedings to respond to the Parties' pending discovery requests; and it is further

ORDERED that all deadlines and tolling provisions included in the Orders Granting Claimants Leave to Amend Proofs of Claim that have not expired as of March 25, 2013 shall be extended such that (a) WMILT may file objections to the amended proofs of claim and/or file additional adversary proceedings within thirty (30) days (or to the next business day if such extended deadline falls on a Saturday, Sunday or “Legal Holiday” as defined in Rule 6(a)(6) of the Federal Rules of Civil Procedure) following June 3, 2013, and (b) Claimants shall file responses, if any, to such objections within forty-five (45) days (or to the next business day if such extended deadline falls on a Saturday, Sunday or “Legal Holiday” as defined in Rule 6(a)(6) of the Federal Rules of Civil Procedure) following June 3, 2013, unless otherwise agreed to by the applicable Parties or ordered by the Court; and it is further

ORDERED that the Court shall hold a hearing on April 18, 2013, at 2:00 p.m. (the “Status Hearing”), or as soon thereafter as counsel may be heard, and WMILT shall report as to the status of settlement discussions and the resolution of Claimants’ claims, if any; and it is further

ORDERED that, in the event that WMILT is unable to reach agreement on settlement terms with one or more Claimants, the Court shall appoint a mediator as soon as practicable following the Status Hearing to conduct mediation sessions between WMILT and such Claimants, which mediation sessions shall be completed by the Hearing unless otherwise ordered by the Court or agreed to by WMILT and such Claimants; and it is further

ORDERED that the Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated: April __, 2013
Wilmington, Delaware

THE HONORABLE MARY F. WALRATH
UNITED STATES BANKRUPTCY JUDGE