

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

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<i>In re</i>	:
	:
WASHINGTON MUTUAL, INC., <u>et al.</u> , <sup>1</sup>	:
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Debtors.	:
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-----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,	:
-----X	
ROBERT C. HILL,	:
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Chapter 11

Case No. 08-12229 (MFW)  
(Jointly Administered)

  

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)

Adversary Proc. No. 10-53153 (MFW)

<sup>1</sup> 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.



<b>STEPHEN E. WHITTAKER,</b>	:	<b>Adversary Proc. No. 10-53150 (MFW)</b>
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<b>THOMAS E. MORGAN,</b>	:	<b>Adversary Proc. No. 10-53154 (MFW)</b>
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<b>ANN TIERNEY</b>	:	<b>Adversary Proc. No. 11-53299 (MFW)</b>
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<b>TODD H. BAKER</b>	:	<b>Adversary Proc. No. 11-54031 (MFW)</b>
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<b>RICHARD STRAUCH</b>	:	<b>Adversary Proc. No. 12-50848 (MFW)</b>
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<b>ROBERT BJORKLUND, DARYL DAVID,</b>	:	<b>Adversary Proc. No. 12-50965 (MFW)</b>
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<b>BRUCE ALAN WEBER, AND</b>	:	
<b>JEFFREY WEINSTEIN,</b>	:	
	:	
<b>Defendants.</b>	:	
-----X		

**SUPPLEMENTAL 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 March 29, 2013, WMI Liquidating Trust (“WMILT”), as promised at the hearing held on March 25, 2013 (the “Hearing”) and consistent with the representations made and agreements announced on the record at the Hearing, filed a proposed order under

certification of counsel (the “Certification”).<sup>2</sup> Indeed, at the Hearing, in response to the request of the Court, counsel for WMILT stated:

Mr. Rosen: What we’ll do, your Honor, in the interim is we will develop the order along the lines of what we’ve outlined here today. We’ll circulate it among the parties and if there’s closure with respect to that, your Honor, we’ll file it under certification of counsel. If there isn’t, we’ll file with the Court and ask the Court to address it on the 18th.

The Court: All right. All right. And if some matters are not settled and you want a mediator, then we’ll address that on the 18th as well.

Hearing Tr. at 19:12-20.

2. Perhaps prescient, or merely having the benefit of understanding the litigious nature of these chapter 11 cases, WMILT did not want to presume agreement on the terms of a proposed order. But, consistent with its representation to the Court, WMILT circulated a proposed order “along the lines of what [was] outlined.”

- a. Motion to Amend would be adjourned to June 3, 2013;
- b. A freeze on all discovery;
- c. A new scheduling order would be developed;
- d. Settlement discussions would be pursued; and
- e. If settlement of all claims not reached by April 15, 2013, a mediator would be appointed to assist in the resolution of the remaining claims, with such mediation lasting until June 3, 2013 or later if requested or ordered.

3. All counsel in attendance at the hearing (in person or telephonically) agreed to the outlined terms. Indeed, Mr. Kenneth Aaron, counsel for certain Claimants, stated as follows:

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<sup>2</sup> The term “Certification” as used herein refers to WMILT’s *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*, dated March 29, 2013 [D.I. 11184]. Capitalized terms used and not otherwise defined herein shall have the meanings ascribed to such terms in the Certification.

Mr. Aaron: We don't have a problem with at least the underlying issue of adjourning today's hearing, that's simple.

Hearing Tr. at 15:20-21. The only concern expressed by anyone in attendance was that, if mediation were pursued, and despite applicable local rules, expenses should be allocated so as not to unduly burden Claimants.

4. Consistent with WMILT's fears expressed at the Hearing, the circulation of a proposed order brought comments from the Claimants that were well beyond the outlined terms and were provided to further their parochial interests. Rather than addressing all of these special interests, WMILT succinctly stated that it would adhere to the "outlined" items, as quoted by Mr. Aaron in his Counter-Certification.<sup>3</sup> The following illustrates the straight line approach taken by WMILT:

<b>WMILT Position</b>	<b>Additional Changes Requested by Claimant</b>	<b>Proposed Order</b>
A. Incorporate outline of terms as set forth on the record at the March 25, 2013 hearing.	Incorporate provision to support settlement discussions.	Included.
	Incorporate express provision regarding appointment of mediator.	Included.
B. Not include references to additional pleadings.	Certain claimants demanded language in the proposed order that would grant them leeway to file additional motions to amend their claims.	Not included as change did not pertain to outlined matter and would be objectionable.
C. Not waive available privileges.	Claimants demanded Court order unredacted materials produced without a hearing.	Not included as WMILT had agreed to post minutes from 2008 Board meetings subject to available

<sup>3</sup> The term "Counter-Certification," as used herein, refers to the *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 Discovery and Employee Claims Hearing and Adversary Proceedings*, dated April 1, 2013 [D.I. 11186], filed by Kenneth Aaron, Esq. of Weir & Partners LLP.

		privileges.
D. Not expand discovery requests.	Certain claimants demanded right to serve additional discovery.	Not included as service of discovery requests had closed and freeze employed; <u>provided, however</u> , as a new scheduling order was to be addressed, it could be discussed at a later date.
E. Not waive Local Rules.	Claimants demanded extended briefing on Motion to Amend despite period having closed.	Includes a provision permitting extended briefing if permitted by the Court.
F. Hearing with respect to status and potential appointment of a mediator would be scheduled for April 18, 2013.	One claimant demanded the Court reschedule the April 18, 2013 hearing.	Not included as April 18, 2013 works for all other parties.

5. To further address the concerns of certain Claimants and the process they sought to follow, WMILT has filed a motion to appoint a mediator in the event that individual settlement discussions are unsuccessful. Again, consistent with the representations made to the Court at the Hearing, this matter has been set for April 18, 2013 at 2:00 p.m.

6. The Counter-Certification makes many bald statements, none of which are consistent with the facts or the representations made at the Hearing, and attaches a form of order that deftly and coyly disguises its intentions from the Court. Because Mr. Aaron neglected to include a blacklined copy of the Counter-Certification's proposed order, a blacklined copy, as provided by Mr. Aaron to WMILT, is attached hereto as **Exhibit A**. When the blacklined copy is viewed, the deficiencies and inherently inappropriate provisions, as well as those which address only the interests of Mr. Aaron's clients and not the issues outlined at the hearing, are readily apparent. Nothing can be more indicative than the insertion of the word "un-redacted" in an effort to take away all of WMILT's rights and available privileges without notice, briefing and a hearing.

7. Furthermore, and despite the ad hominem attacks contained in the Counter-Certification, WMILT has provided EVERY claimant with a settlement proposal. And, despite the fact that the Counter-Certification believes the offers extended to Mr. Aaron's three clients were unsatisfactory, **WMILT proudly reports that it has resolved or is near resolution of claims representing over twenty percent (20%) of the Claimants and over \$60 million of the \$133 million reserved in connection therewith.**

8. At bottom, the Counter-Certification and the proposed order attached thereto do not reflect the terms outlined, are inconsistent with the good faith nature of the settlement discussions being pursued and only seek to further the parochial interests of a few creditors holding nuisance value claims.

9. Accordingly, in the event that the Court does not wish to wait and address this matter on April 18, 2013 as originally indicated, WMILT respectfully requests that the Court enter the proposed order annexed hereto as **Exhibit B**.

Dated: April 2, 2013  
Wilmington, Delaware

/s/ Katherine Good

---

Mark D. Collins (No. 2981)  
Paul N. Heath (No. 3704)  
L. Katherine Good (No. 5101)  
Tyler D. Semmelman (No. 5386)  
Amanda R. Steele (No. 5530)  
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New York, New York 10036  
Telephone: (212) 872-1000

*Attorneys for WMI Liquidating Trust*

**EXHIBIT A**

**Blackline of Mr. Aaron's Counter-Certification Proposed Order Against  
WMILT's Certification Proposed Order**

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

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<i>In re</i>	:	<b>Chapter 11</b>
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	:	<b>(Jointly Administered)</b>
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Debtors.	:	
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WMI LIQUIDATING TRUST	:	
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Plaintiff,	:	
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RACHEL M. MILEUR a/k/a	:	<b>Adversary Proc. No. 10-53133 (MFW)</b>
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<sup>1</sup> 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.

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BRUCE ALAN WEBER, AND	:	
JEFFREY WEINSTEIN,	:	
	:	
Defendants.	:	
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**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 ~~ertain of the~~ numerous 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 First~~");

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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~~First Scheduling Order; and the Court having entered ~~the Scheduling Order~~that certain 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~~8~~, 2013 [D.I. 10975] (the “~~Amended Second~~ Scheduling Order.” ~~and together with the First Scheduling Order and the Adversary Proceedings Scheduling Order, the “Scheduling Orders”~~); and various Claimants having filed motions to amend their respective proofs of claim [*see, e.g.*, 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 (“WMLT”)~~on March 29, 2013, Claimant Henry J. Berens having filed his Motion for Order Granting Leave to File Amendment to Proof of Claim 2129 or, In the Alternative, Allowing Claimant to Assert

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Alternative Argument Regarding Claim Based on WaMu Severance Plan [D.I. 11182] (the “Berens Motion to Amend POC”); and on March 29, 2013, Claimant Michael R. Zarro having filed his Motion for Order Granting Leave to File Amendment to Proof of Claim 1743 or, In the Alternative, Allowing Claimant to Assert Alternative Argument Regarding Claim Based on WaMu Severance Plan [D.I. 11183] (the “Zarro Motion to Amend POC”); and the hearings on the Berens Motion to Amend POC and the Zarro Motion to Amend POC are presently scheduled to be heard before this Court on April 23, 2012 at 2:00 p.m. (EDT); and on March 29, 2013, WMI Liquidating Trust (“WMILT”) having filed its Motion of WMI Liquidating Trust for an Order Appointing a Mediator With Respect to Employee Claims and Pending Omnibus Objections [D.I. 11185] (the “WMILT Motion for a Mediator”); and a hearing on the WMILT Motion for a Mediator presently scheduled to be heard before this Court on April 18, 2013 at 2:00 p.m. (EDT); and 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 until a hearing before this Court on June 3, 2013, it is hereby~~

—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~~

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~~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, without prejudice, until April 18, 2013, pending further order of the Court, and the 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~~ scheduling order including, without limitation, the Parties and presented Parties' obligations with respect to the ~~Court at production of documents and the Hearing~~ noticing of witnesses for depositions; provided, however, that, notwithstanding the foregoing, (a) WMILT shall promptly post un-redacted 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

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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

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shall be extended such that (a) WMILT may file objections to the amended proofs of claim<sup>2</sup> 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~~April 18, 2013, and (b) Claimants shall file responses, if any, to such objections within ~~forty five (45)~~sixty (60) 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~~April 18, 2013, unless ~~otherwise agreed to by the applicable Parties or~~ ordered by the Court; and it is further

ORDERED that WMILT shall immediately engage in meaningful settlement discussions with each of the employee claimants by (1) providing each such claimant with a good faith, written settlement proposal not later than April 5, 2013 at 4:00 p.m. (EDT); and (2) by timely responding to counter-proposals from each such claimant; 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 and the Claimants shall report as to the status of settlement discussions and the resolution of Claimants' claims, if any; and it is further

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~~—~~ORDERED that, in the event that ~~WMILT is unable~~prior to the hearing on April 18, 2013, WMILT has not reach ~~agreement~~agreements on settlement terms with ~~one or more Claimants, the all of the claimants, at the hearing on April 18, 2013 this~~ Court shall ~~appoint a mediator as soon as practicable following the Status Hearing to conduct mediation sessions between WMILT and such Claimants, set down the specific terms pursuant to which mediation~~

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<sup>2</sup> In the event that the Berens' Motion to Amend POC and/or the Zarro's Motion to Amend POC are granted, the deadlines set out in this paragraph for WMILT to file objections to Claimants' amended proofs of claim shall expressly apply an amended proof of claim filed by Claimant Henry J. Berens and an amended proof of claim filed by Claimant Michael R. Zarro.

~~sessions/mediations shall be completed by the Hearing unless otherwise ordered by the Court or agreed held with respect to by WMHT the settlement of the then-pending objections to claims and adversary proceedings, including, without limitation, the appointment of a mediator, the time frame for such mediations to be held and concluded, and which party/parties shall bear the costs of such Claimants mediations and how such costs shall be allocated;~~ 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.

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Dated: April \_\_, 2013  
Wilmington, Delaware

**THE HONORABLE MARY F. WALRATH  
UNITED STATES BANKRUPTCY JUDGE**

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**EXHIBIT B**

**Proposed Order  
(as originally attached to Certification)**

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

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<i>In re</i>	:
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JEFFREY WEINSTEIN,	:	
	:	
Defendants.	:	
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**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

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**THE HONORABLE MARY F. WALRATH**  
**UNITED STATES BANKRUPTCY JUDGE**