

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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In re : Chapter 11
 :
 WASHINGTON MUTUAL, INC., et al.,¹ : Case No. 08-12229 (MFW)
 : (Jointly Administered)
 :
 Debtors. : RC:11032, 11184, 11186 #11188
 :
 :
 -----X

-----X
 WMI LIQUIDATING TRUST :
 :
 Plaintiff, :
 :
 v. :
 -----X

ANTHONY BOZZUTI, : Adversary Proc. No. 10-53131 (MFW)

-----X
 CHANDAN SHARMA, : Adversary Proc. No. 10-53147 (MFW)

-----X
 EDWARD F. BACH, : Adversary Proc. No. 10-53132 (MFW)

-----X
 HENRY J. BERENS, : Adversary Proc. No. 10-53134 (MFW)

-----X
 JOHN M. BROWNING, : Adversary Proc. No. 10-53156 (MFW)

-----X
 KEITH O. FUKUI, : Adversary Proc. No. 10-53139 (MFW)

-----X
 MARC MALONE, : Adversary Proc. No. 10-53152 (MFW)

-----X
 MICHAEL R. ZARRO, : Adversary Proc. No. 10-53143 (MFW)

-----X
 RACHEL M. MILEUR a/k/a : Adversary Proc. No. 10-53133 (MFW)

RACHELLE M. MILEUR, :
 -----X

ROBERT C. HILL, : Adversary Proc. No. 10-53153 (MFW)

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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.



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| 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) |
| -----X | | |
| 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 | | |

**AGREED 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 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 "First 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 First Scheduling Order; and the Court having entered that certain scheduling order with respect to the above-captioned adversary proceedings (the "Adversary Proceeding Scheduling Order"); and the Court having entered the Agreed Order Amending Scheduling Orders With Respect to Employee Claims Hearing and Adversary Proceedings dated January 8, 2013 [D.I. 10975] (the "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 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 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 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, without prejudice to the relief WMILT seeks in the Motion to Amend, 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 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 including, without limitation, the Parties' obligations with respect to the production of documents and the 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' 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 claim² 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 April 18, 2013, and (b) Claimants shall file responses, if any, to such objections within 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 April 18, 2013, unless ^{otherwise} 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

² 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.

ORDERED that the Court shall hold a hearing on April 18, 2013 at 2:00 p.m., 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

ORDERED that in the event that prior to the hearing on April 18, 2013, WMILT has not reached agreements on settlement terms with all of the claimants, at the hearing on April 18, 2013 this Court shall set down the specific terms pursuant to which mediations shall be held with respect to 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 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.

Dated: April 3, 2013
Wilmington, Delaware



THE HONORABLE MARY F. WALRATH
UNITED STATES BANKRUPTCY JUDGE