

April 8, 2013

Clerk of the Court for the  
United States Bankruptcy Court  
For the District of Delaware  
824 North Market Street, 3<sup>rd</sup> Floor  
Wilmington Delaware, 19801

FILED  
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CLERK  
US BANKRUPTCY COURT  
DISTRICT OF DELAWARE

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Re: **In Re Washington Mutual, Inc.; Chapter 11; Case No 08-12229 (MFW);  
Hearing Date: April 18, 2013 at 2:00 p.m. (ET)  
Proof of Claim Number 379**

Dear Sir or Madam:

This letter is notice of my request and request ("Request") as to the following:

- (i) the undersigned be included as a party in the pending proceedings ("Proceedings") relating to employee claims relating to change in control and other claims ("Employee Claims") pursuant to the WaMu Change in Control Agreement ("WaMu CIC Agreement") against WMI Liquidating Trust ("WMIT") successor in interest to Washington Mutual Inc ("WMI");
- (ii) my Employee Claim proof of claim evidenced by my Proof of Claim No 379 ("Proof of Claim") be allowed and considered open and pending and any expungement of the Poof of Claim be set aside and that this Request be considered objection to WMIT's motion to dismiss Proof's of Claim;



- (iii) upon reinstatement of my Proof of Claim that the Proof of Claim be amended to include a claim arising under the WaMu Severance Plan if it is determined that a change in control did not occur and/or that WMI is not responsible for satisfaction of employee claims under the WaMu CIC Agreement; and
- (iv) This notice is considered opposition to the motion of WMI Liquidating Trust for an order appoints a mediator with respect to employee claims and pending omnibus objections.

Support to the Request

1. On Friday, April 5, 2012 I was advised by Geoffrey Olsen that he spoke to WMI's legal counsel to try to obtain information regarding the status of Employee Claims. He told me that he was told that legal counsel for WMI could not respond to my questions and that he needed to review the court filings.
2. Subsequently, on Saturday, April 6, 2013, I reviewed the court filings appearing on the WMI intranet site and learned that (i) other similarly situated former employees have filed Employee Claims, (ii) the full Board of Directors of WMI held a meeting on Friday, September 26, 2008, one day following the placement of Washington Mutual Bank into the FDIC receivership, in which the full Board determined that a change in control had occurred, (iii) WMIT filed a motion for an order appointing a mediator with Respect to Employees Claims and Pending Omnibus Objections that is scheduled for hearing on April 18, 2013 at 2:00 p.m. (ET) and (iv) a Corrected Fourth Order Granting Debtor's Sixth Omnibus (Substantive) Objection to Claims ("Order") had been entered that disallowed each claim listed on Exhibit A to the Order.
3. Until reviewing the court filings on the WMI site, I was not aware that the Order had been entered.
4. My Employee Claim is similar to claims of other former employees of Washington Mutual and WMI that are pending in the Proceedings.
5. In connection with my employment, I received a change in control agreement that provides in part that upon the transfer of all or substantially all of the assets of Washington Mutual Bank to another person whether assisted or unassisted, voluntary or involuntary, and the termination of the employees employment, the undersigned is entitled to receive a lump sum payment equal to two times the employee's annual compensation. With the closure of Washington Mutual Bank by the OTS and placement into the FDIC receivership on September 25, 2008, my employment with Washington Mutual and WMI was terminated.

6. Equity and fairness supports that my Request be approved. In addition to excusable neglect in not being aware of the entry of the Order, new information has now surfaced regarding the declaration of a change in control by the Board of Directors of WMI on September 26, 2008. These and other factors support approval of the Request.

Documentation

A copy of my change in control agreement is on file with the Proof of Claim.

Sincerely;

*David Glen Murphy*

David Glen Murphy

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Woodinville, Washington 98072

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