

FILED

2013 APR 15 AM 11:12

Jacqueline Ferguson  
Claim number : 3829  
Case number : 08-12229 mfw

CLERK  
U.S. BANKRUPTCY COURT  
WILMINGTON, DELAWARE

In response to: Motion of WMI Liquidating Trust for an Order Appointing a Mediator with Respect to Employee Claims and Pending Omnibus Objections (docket No 11185) – Received on April 9, 2013. Granting 5 days to respond to such motion with a “Mediation Statement”.

Note: Page 5, paragraph 5 – States that a mediation statement must be submitted directly to the mediator within 5 days. Upon reviewing the document, there is no direct address for the mediator nor has a mediator been named. I will be submitting my statement to the address of Weil, Gotshal & Manges, LLP, 767 Fifth Ave, New York, NY 10153 and to The Honorable Mary F. Walrath at the Bankruptcy Court, 824, North Market Street, 5<sup>th</sup> Floor, Courtroom 4, Wilmington Delaware, 19801 in a sealed envelop addressed to “Mediator” with my claim and case number. Only to be opened by such Mediator.

We are responding to this letter from Amy Price, Esq., an associate at the Weil firm (the attorneys for the Liquidating Trustee) that implied that the Delaware Bankruptcy Court had already entered an order mandating that that any unsettled case must go to mediation. At this time, **no order has been entered** ruling on WMILT’s Motion for the appointment of a mediator. Several days ago, Ms. Price was asked to correct her letter, but we have not received a response or a corrected letter from her or her law firm.

First Item I would like to address is on page 4, paragraph 3. The fees and expenses of mediation being split between parties.

We would like to clarify what Delaware Bankruptcy practice is regarding mediation. As far as we are aware, there is **no** local rule in Delaware that requires that the costs of a mediator be shared between the Debtor (or Plaintiff) and each of the defendant claimants.

Here is the link to the local bankruptcy rules. The relevant rule for mediation is Rule 9019-5.

[http://www.deb.uscourts.gov/sites/default/files/local\\_rules/Local\\_Rules\\_2013.pdf](http://www.deb.uscourts.gov/sites/default/files/local_rules/Local_Rules_2013.pdf)

Further, in adversary proceedings, local practice does not require the defendant parties to share the costs of the mediator with the plaintiff. Below is a link to Bankruptcy Judge Walrath’s General Order regarding mediation in adversary proceedings.

General Order 3(b) states: **“The bankruptcy estate, or if there is no bankruptcy estate the plaintiff in the adversary proceeding, shall pay the fees and costs of the mediator.”**

<http://www.deb.uscourts.gov/sites/default/files/general-ordes/advorder.pdf>

The General Order also specifies that the mediator “shall be selected from the Register of



Mediators and Arbitrators Pursuant to Local Rule 9019-4". The Register is available on the Court's website.

<http://www.deb.uscourts.gov/sites/default/files/general-ordes/AmendmentGeneralOrder11april05.pdf>

ISSUES to be addressed by Mediator for Jacqueline Ferguson. Claim Number 3829, Case number 08-12229

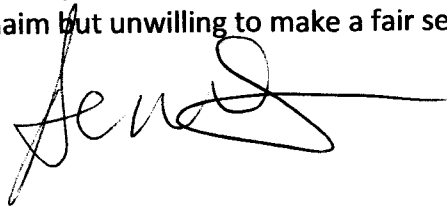
Washington Mutual Inc. Restricted Stock Unit Award agreement between Washington Mutual Inc and Jacqueline Ferguson. WMI has never contested the amount of shares owed to me but have claimed that the agreement was between WMB and myself. This document clearly states the agreement was with WMI. I have met all requirements of this agreement.

This document will be provided upon further request by the mediator when named.

I am also looking to address the suggested settlement to me by Amy Rice, Esq in behalf of the trusties. Where I had tried to work with them at a settlement but they responded with a settlement of approximately 1% of the amount owed to me showing that they recognize the validity of my claim but unwilling to make a fair settlement.

Jacqueline Ferguson  
201-826-2720

4/13/13



Addendum  
to Mediation Statement

**From:** Jackie Ferguson <jackie848@mac.com>  
**To:** Keith Jaehnert <kjaeh11@aol.com>  
**Subject:** Fwd: In re Washington Mutual, Inc. - Outstanding Discovery  
**Date:** Sat, Apr 13, 2013 1:24 pm

Begin forwarded message:

**From:** Jackie Ferguson <jpf1967@verizon.net>  
**Subject:** Re: In re Washington Mutual, Inc. - Outstanding Discovery  
**Date:** April 8, 2013 5:50:16 PM EDT  
**To:** "Price, Amy" <Amy.Price@weil.com>  
**Cc:** "Rosen, Brian" <brian.rosen@weil.com>

Hi Amy

as for the discovery response I did submit that via Fedex on 1/9/2013 i went over that with you just now

as for the Witness list requirement, at no point did i receive a request for that (was that sent via certified mail or fedex?) and recieving the email after hours on Friday did not give me the time to add myself as a witness ,

I am hoping with this response that I will be able to do just that to call myself as a witness along with my fiancee Keith Jaehnert. This has been going for years and I have done everything requested and required and have made sure I used fedex to delivery all documents back, in most cases I have sent them to numerous locations.

Thank you for taking the time to return my call please let me know if there is anything else you will need.

On Apr 5, 2013, at 8:48 PM, Price, Amy wrote:

Ms. Ferguson:

Please be advised that, pursuant to the *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*, dated April 3, 2013 [D.I. 11191] (a copy of which is attached hereto), your deadline to submit any outstanding discovery responses and witness lists is today. In particular, the Trust has not received your witness list, as required by the *Agreed Order Establishing Procedures and Deadlines Concerning Hearing On Employee Claims and Discovery In Connection Therewith*, dated October 15, 2012 [D.I.10777, as amended by D.I. 10975] and applicable federal rules.

Thank you,  
Amy

<image001.jpg>

**Amy Price**  
Associate

Weil, Gotshal & Manges LLP  
767 Fifth Avenue  
New York, NY 10153  
[amy.price@weil.com](mailto:amy.price@weil.com)  
+1 212 310 8617 Direct  
+1 212 310 8007 Fax

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<WMILT Order Adjourning Motion 11191.pdf>

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

-----X	:	
<i>In re</i>	:	<b>Chapter 11</b>
	:	
<b>WASHINGTON MUTUAL, INC., <u>et al.</u>,<sup>1</sup></b>	:	<b>Case No. 08-12229 (MFW)</b>
	:	<b>(Jointly Administered)</b>
	:	
<b>Debtors.</b>	:	<b>Hearing Date: April 18, 2013 at 2:00 p.m. (ET)</b>
	:	<b>Re: Docket No. 11185</b>
-----X	:	
-----X	:	
<b>WMI LIQUIDATING TRUST</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
-----X	:	
<b>ANTHONY BOZZUTI,</b>	:	<b>Adversary Proc. No. 10-53131 (MFW)</b>
-----X	:	
<b>CHANDAN SHARMA,</b>	:	<b>Adversary Proc. No. 10-53147 (MFW)</b>
-----X	:	
<b>EDWARD F. BACH,</b>	:	<b>Adversary Proc. No. 10-53132 (MFW)</b>
-----X	:	
<b>HENRY J. BERENS,</b>	:	<b>Adversary Proc. No. 10-53134 (MFW)</b>
-----X	:	
<b>JOHN M. BROWNING,</b>	:	<b>Adversary Proc. No. 10-53156 (MFW)</b>
-----X	:	
<b>KEITH O. FUKUI,</b>	:	<b>Adversary Proc. No. 10-53139 (MFW)</b>
-----X	:	
<b>MARC MALONE,</b>	:	<b>Adversary Proc. No. 10-53152 (MFW)</b>
-----X	:	
<b>MICHAEL R. ZARRO,</b>	:	<b>Adversary Proc. No. 10-53143 (MFW)</b>
-----X	:	
<b>RACHEL M. MILEUR a/k/a</b>	:	<b>Adversary Proc. No. 10-53133 (MFW)</b>
<b>RACHELLE M. MILEUR,</b>	:	
-----X	:	
<b>ROBERT C. HILL,</b>	:	<b>Adversary Proc. No. 10-53153 (MFW)</b>
-----X	:	

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

**NOTICE OF FILING OF PROPOSED ORDER APPOINTING A MEDIATOR WITH RESPECT TO EMPLOYEE CLAIMS AND PENDING OMNIBUS OBJECTIONS**

PLEASE TAKE NOTICE that, March 29, 2013, WMI Liquidating Trust (“WMILT” or the “Trust”), as successor in interest to Washington Mutual, Inc. (“WMI”) and WMI Investment Corp., formerly debtors and debtors in possession (collectively, the “Debtors”), filed the **Motion of WMI Liquidating Trust for an Order Appointing a Mediator with Respect to Employee Claims and Pending Omnibus Objections** [Docket No. 11185] (the “Motion”) with the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”).

PLEASE TAKE FURTHER NOTICE that WMILT has today filed a proposed form of **Order Appointing a Mediator with Respect to Employee Claims and Pending**

**Omnibus Objections** (the "Proposed Order") in connection with the relief requested in the Motion. A copy of the Proposed Order is attached hereto as **Exhibit 1**.

PLEASE TAKE FURTHER NOTICE that WMILT intends to present the Proposed Order to the Bankruptcy Court at the hearing on the Motion scheduled for **April 18, 2013 at 2:00 p.m. (ET)** before The Honorable Mary F. Walrath at the Bankruptcy Court, 824 North Market Street, 5<sup>th</sup> Floor, Courtroom 4, Wilmington, Delaware 19801.

*[Remainder of Page Left Intentionally Blank]*

Dated: April 9, 2013  
Wilmington, Delaware

/s/ Amanda R. Steele  
Mark D. Collins (No. 2981)  
Paul N. Heath (No. 3704)  
Tyler D. Semmelman (No. 5386)  
Amanda R. Steele (No. 5530)  
RICHARDS, LAYTON & FINGER, P.A.  
One Rodney Square  
920 North King Street  
Wilmington, Delaware 19801  
Telephone: (302) 651-7700  
Facsimile: (302) 651-7701

-and-

Brian S. Rosen, Esq.  
WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue  
New York, New York 10153  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007

- and -

Robert A. Johnson, Esq.  
AKIN GUMP STRAUSS HAUER &  
FELD LLP  
One Bryant Park  
New York, New York 10036  
Telephone: (212) 872-1000

*Attorneys for WMI Liquidating Trust*



**EXHIBIT 1**

**Proposed Order**

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

-----X	:	
<i>In re</i>	:	<b>Chapter 11</b>
	:	
<b>WASHINGTON MUTUAL, INC., <u>et al.</u>,<sup>1</sup></b>	:	<b>Case No. 08-12229 (MFW)</b>
	:	<b>(Jointly Administered)</b>
	:	
<b>Debtors.</b>	:	
-----X	:	
-----X	:	
<b>WMI LIQUIDATING TRUST</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
-----X	:	
<b>ANTHONY BOZZUTI,</b>	:	<b>Adversary Proc. No. 10-53131 (MFW)</b>
-----X	:	
<b>CHANDAN SHARMA,</b>	:	<b>Adversary Proc. No. 10-53147 (MFW)</b>
-----X	:	
<b>EDWARD F. BACH,</b>	:	<b>Adversary Proc. No. 10-53132 (MFW)</b>
-----X	:	
<b>HENRY J. BERENS,</b>	:	<b>Adversary Proc. No. 10-53134 (MFW)</b>
-----X	:	
<b>JOHN M. BROWNING,</b>	:	<b>Adversary Proc. No. 10-53156 (MFW)</b>
-----X	:	
<b>KEITH O. FUKUI,</b>	:	<b>Adversary Proc. No. 10-53139 (MFW)</b>
-----X	:	
<b>MARC MALONE,</b>	:	<b>Adversary Proc. No. 10-53152 (MFW)</b>
-----X	:	
<b>MICHAEL R. ZARRO,</b>	:	<b>Adversary Proc. No. 10-53143 (MFW)</b>
-----X	:	
<b>RACHEL M. MILEUR a/k/a</b>	:	<b>Adversary Proc. No. 10-53133 (MFW)</b>
<b>RACHELLE M. MILEUR,</b>	:	

<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.

-----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)
-----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	:	
		Re: Docket No. _____

**ORDER APPOINTING MEDIATOR WITH RESPECT TO  
EMPLOYEE CLAIMS AND PENDING OMNIBUS OBJECTIONS**

Upon the motion of WMI Liquidating Trust (the "Motion"), dated March 29, 2013, and as stated on the record of the hearings held on March 25, 2013 and April 18, 2013, the Court having determined that the appointment of a mediator (the "Mediator")<sup>2</sup> to assist the parties in resolving disputes in connection with (a) the *Debtors' Fifth Omnibus (Substantive) Objection to Claims* [D.I. 1233], dated June 26, 2009, (b) the *Debtors' Sixth Omnibus (Substantive) Objection to Claims* [D.I. 1234], dated June 26, 2009, (c) *WMI Liquidating Trust's*

<sup>2</sup> Capitalized terms used herein, but not otherwise defined, shall have the meaning ascribed to such terms in the Motion.

*Seventy-Ninth Omnibus (Substantive) Objection to Claims* [D.I. 10504], dated August 15, 2012, (d) *WMI Liquidating Trust's Eightieth Omnibus (Substantive) Objection to Claims* [D.I. 10505], dated August 15, 2012, (e) *WMI Liquidating Trust's Eighty-First Omnibus (Substantive) Objection to Claims* [D.I. 10506], dated August 15, 2012, (f) *WMI Liquidating Trust's Eighty-Second Omnibus (Substantive) Objection to Claims* [D.I. 10507], dated August 15, 2012 (g) *WMI Liquidating Trust's Eighty-Fourth Omnibus (Substantive) Objection to Change in Control Claims* [D.I. 10677], dated September 17, 2012, (h) *WMI Liquidating Trust's Eighty-Fifth Omnibus (Substantive) Objection to Change in Control Claims* [D.I. 10678], dated September 17, 2012, (i) the *Objection of WMI Liquidating Trust to Proof of Claim Filed by Claimant Medina & Thompson (Claim No. 1218)* [D.I. 10676], dated September 17, 2012, (j) *WMI Liquidating Trust's Eighty-Eighth Omnibus (Substantive) Objection to Disputed Equity Interests* [D.I. 10681], dated September 17, 2012 (collectively with the other omnibus objections, the "Objections"), and (k) the Adversary Proceedings is in the best interests of the WMI Liquidating Trust ("WMILT"), as successor to Washington Mutual, Inc. ("WMI") and WMI Investment Corp. (collectively, the "Debtors"), the Debtors' estates, creditors and stakeholders; and after due deliberation and sufficient cause appearing therefor, it is hereby ORDERED as follows:

1. Effective upon entry of this Order, \_\_\_\_\_ is hereby appointed as Mediator in these cases for the limited purpose of conducting one or more mediations (the "Mediation") concerning the resolution of the Objections and Adversary Proceedings, and any responses thereto.

2. Unless otherwise ordered by the Court, the parties to the Mediation (collectively, the "Mediation Parties") are (a) WMILT and (b) each of the Non-Settling Responding Claimants set forth on Exhibit "A" hereto.

3. The fees and expenses associated with the Mediation, including, without limitation, the fees and expenses of the Mediator and any professionals retained by the Mediator shall be allocated to the mediation of each individual Disputed Claim and be borne by the Mediation Parties as follows: (a) fifty percent (50%) to WMILT and (b) fifty percent (50%) to the respective Non-Settling Responding Claimant; provided, however, that, to the extent the Mediator incurs fees and expenses in connection with the review of general background information or travel to a place of mediation where the mediation of more than one Disputed Claim shall occur, the fees and expenses associated therewith shall be allocated to and borne by the Mediation Parties as follows: (y) fifty percent (50%) to WMILT and (z) fifty percent (50%) to the Non-Settling Responding Claimants, with such fifty percent (50%) allocation to be further allocated on a pro rata basis on account of such claimant's asserted amount as set forth on Exhibit "A" hereto.

4. As soon as practicable after entry of this Order, WMILT shall provide to the Mediator copies of (a) a chart providing for each of the Non-Settling Responding Claimant's name, proof(s) of claim number(s), and which Objection such Non-Settling Responding Claimant's proof of claim appears, (b) each of the Objections, (c) WMILT'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"), dated February 19, 2013, (d) each Non-Settling Responding Claimant's proof of claim that are the subject of the Objections, (e) each of the Non-Settling Responding Claimant's response to the Objections, as applicable, and the Motion to Amend, if any, (f) the *Reply of WMI Liquidating Trust in Further Support of Motion For Leave to Amend the Fifth, Sixth, Seventy-Ninth, Eightieth, Eighty-First, Eighty-Second, Eighty-Fourth, Eighty-Fifth, and Eighty-Eight*

*Omnibus Objections to Claims*, dated March 20, 2013, (g) each Adversary Proceeding Complaint and Answer, and (h) each of the agreements, instruments, plans, etc. giving rise to the claims asserted by the Non-Settling Responding Claimants, to the extent such documents are not incorporated in any of (b) through (g) above.

5. No later than five (5) days from the date hereof, each Mediation Party shall separately or in combination with any other Mediation Party submit directly to the Mediator, with a copy thereof contemporaneously provided to each of the other Mediation Parties, a statement (the "Mediation Statement"), which statement shall be no more than five (5) pages in length, setting forth the issues that each Mediation Party believes must be addressed by the Mediator; provided, however, that the foregoing shall not in any way limit the Mediator from requesting such additional statements, memoranda, or documents, including, without limitation, any pleadings which have been filed with the Court and are part of the record in these chapter 11 cases, as would assist the Mediator in connection with the Mediation.

6. The Mediation conferences shall occur (a) at the offices of Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, NY 10153 and in a city in the West Coast to be selected by the Mediator and (b) on a date and at a time selected by the Mediator. Unless otherwise directed by the Mediator, each Non-Settling Responding Claimant, or at least one (1) representative of each separately-represented Non-Settling Responding Claimant, with authority to make a decision binding upon such Non-Settling Responding Claimant, shall be present at each session of the Mediation.

7. The Mediator may conduct the Mediation as the Mediator deems appropriate, establish rules of the Mediation, and consider and take appropriate action with

respect to any matters the Mediator deems appropriate in order to conduct the Mediation, subject to the terms of this Order.

8. Without limiting the applicability of Local Bankruptcy Rule 9019-5, all (a) discussions among any of the Mediation Parties relating to the Mediation, including discussions with or in the presence of the Mediator, (b) Mediation Statements and any other documents or information provided to the Mediator or the Mediation Parties in the course of the Mediation, other than documents allegedly giving rise to the claims asserted or as defense thereto, and (c) correspondence, draft resolutions, offers and counteroffers produced for or as a result of the Mediation shall be strictly confidential and shall not be admissible for any purpose in any judicial or administrative proceeding, and no person or party participating in the Mediation, whether a direct participant or member of a committee or group, including counsel for any Mediation Party or any other party, shall in any way disclose to any non-party or to any court, including, without limitation, in any pleading or other submission to any court, any such discussion, Mediation Statement, other document or information, correspondence, resolution, offer or counteroffer which may be made or provided in connection with the Mediation.

9. To the extent that any Mediation Party is in possession of privileged or confidential information provided to such Mediation Party pursuant to the terms and conditions of a confidentiality agreement executed or an order of the Court entered in connection with these chapter 11 cases, such information may be disclosed to the Mediator, but shall otherwise remain privileged and confidential and not be disclosed to any other Mediation Party.

10. Except as may be permitted by Local Bankruptcy Rule 9019-5 and decretal paragraph 11 herein, the Mediator and any personnel who assists the Mediator, and all the Mediation Parties, shall not have any communications with the Court regarding or otherwise

disclose any aspect of the Mediation other than to report whether a settlement has been reached between any of the Mediation Parties (and the terms of any such settlement); provided, however, that, in the event that there is an impasse, the Mediator shall report that there is a lack of agreement, with no further comment or recommendation.

11. On or prior to 4:00 p.m. (prevailing Eastern time) on May 31, 2013, the Mediator shall file with the Court a status report (the "Status Report") expressing an opinion as to whether (a) a resolution of issues subject to the Mediation has been reached, (b) a resolution of issues subject to the Mediation cannot be reached, or (c) the Mediator believes the Mediation should continue in order to reach a resolution of the issues subject to the Mediation. The Court will hold a status conference on June 3, 2013, at 9:30 a.m., to consider what actions, if any, should be taken based upon the Status Report, including, without limitation, such other or further relief as will aid the Mediator in the performance of the Mediator's duties.

12. To the extent any part of this Order shall conflict with Local Bankruptcy Rule 9019-5, the terms and provisions of this Order shall govern.

13. This 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



**Exhibit A**

**Non-Settling Responding Claimants**