

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

In re:)	Chapter 11
)	
WASHINGTON MUTUAL, INC., <i>et al.</i> , ¹)	Case No.: 08-12229 (MFW)
)	(Jointly Administered)
)	
)	Re: Docket Nos. 11217, 11240 & 11249
Debtors.)	Hearing Date: May 23, 2013
)	
)	

**CERTIFICATION OF COUNSEL REGARDING AGREED ORDER GRANTING
MOTION OF RICHARD STRAUCH, LAURA ROGERS-RODRIGUES, LUIS
RODRIGUEZ, ROBERT BOXBERGER, KATHY YEU, ROBERT MERRITT, JOHN
WEBBER, DANIEL SHANKS AND JOSE' TAGUNICAR FOR LEAVE TO AMEND
CLAIM NOS. 2149, 2348, 2351, 2354, 2360, 2363, 2367, 2420, 2673**

The undersigned certifies as follows:

1. On April 17, 2013, Claimants Richard Strauch, Laura Rogers-Rodrigues, Luis Rodriguez, Robert Boxberger, Kathy Yeu, Robert Merritt, John Webber, Daniel Shanks and Jose' Tagunicar (each a "Claimant" and collectively "Claimants") filed their motion for an Order granting leave to amend their respective original proofs of claims [D.I. No. 11217] (the "Motion").

2. On May 8, 2013, the WMI Liquidating Trust ("WMILT") filed its Limited Omnibus Objection to Certain Employee Claimants' Motions to Amend [D.I. No. 11240] (the "Limited Objection").

3. On May 17, 2013, counsel for Claimants filed a Joint Reply of Providian Employee Claimants to WMI Liquidating Trust's Limited Omnibus Opposition to Motions to Amend [D.I. No. 11249] (the "Joint Reply").

¹The Debtors in this Chapter 11 case are Washington Mutual, Inc. and WMI Investment Corp.



4. The Court heard oral argument on the Motion on May 23, 2013.

5. Claimants and WMILT have reached agreement as to the form of proposed order granting the Motion (the "Proposed Order"), as attached hereto as Exhibit A.

WHEREFORE undersigned counsel respectfully requests that the Court enter the Proposed Order at its earliest convenience.

Dated: May 31, 2013
Wilmington, Delaware

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EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
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In re:)	Chapter 11
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WASHINGTON MUTUAL, INC., <i>et al.</i> ,)	Case No.: 08-12229 (MFW)
)	(Jointly Administered)
)	
Debtors.)	
)	
_____)	Re: Docket Nos. _____

ORDER

Upon the motion, dated April 19, 2013 (the "Motion"), of Claimants Richard Strauch, Laura Rogers-Rodrigues, Luis Rodriguez, Robert Boxberger, Kathy Yeu, Robert Merritt, John Webber, Daniel Shanks and Jose' Tagunicar (each a "Claimant" and collectively "Claimants") for entry of an order granting leave to amend their existing proofs of claim, Claim Nos. 2149, 2348, 2351, 2354, 2360, 2363, 2367, 2420, 2673, (the "Original Claims") to the extent necessary (1) to seek additional monies owed to some of the Claimants under the WMI Supplemental Executive Retirement Accumulation Plan ("SERAP"), and (2) to correct calculation errors and to clarify additional contractual rights available to the Claimants under the contracts at issue in the Original Claims, as more fully set forth in the Motion [D.I. No. 11217] and the Reply [D.I. No. 11249], pursuant to Bankruptcy Rule 7015; the Court finding that it has jurisdiction over this matter and the relief requested herein pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that due and proper notice of the Motion and the relief requested therein having been given, and no other or further notice need be given, and all parties in interest having been heard or having been afforded an opportunity to be heard; and the Court having determined that the legal and factual bases set forth in the Motion establishes just cause for the relief granted herein; and the Court having determined that good and just cause appears in favor of granting the Motion;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein;
2. Claimant Richard Strauch is hereby granted leave to file an amended proof of claim (i) to include an alternate claim under the WaMu Severance Plan, (ii) to correct the amount of his WaMu CIC Claim to the extent certain components of compensation were inadvertently omitted or improperly calculated in his Original Claims, (iii) to include the full benefits that he was entitled to receive under the SERAP, and (iv) to restate his claim to include a reference to his intent to seek recovery of his attorney fees and expenses under his applicable agreements and benefit plans, as set forth in the Motion and the Reply (collectively, the “First Set of Amended Components”), within 15 days of the entry of this Order;
3. Claimants Laura Rogers-Rodrigues and Luis Rodriguez are hereby granted leave to file amended proofs of claim (i) to include an alternate claim under the WaMu Severance Plan, (ii) to correct the amount of their respective WaMu CIC Claim to the extent certain components of compensation were inadvertently omitted or improperly calculated in their Original Claims, and (iii) to restate their claims to include a reference to their intent to seek recovery of their attorney fees and expenses under their applicable agreements and benefit plans, as set forth in the Motion and the Reply (collectively, the “Second Set of Amended Components”, within 15 days of the entry of this Order;
4. Claimants Robert Boxberger and Kathy Yeu are hereby granted leave to file amended proofs of claim (i) to include the full benefits that they were each entitled to receive under the SERAP, and (ii) to restate their claims to include a reference to their intent to seek recovery of their attorney fees and expenses under their applicable agreements and benefit plans, as set forth

in the Motion and the Reply (collectively, the "Third Set of Amended Components"), within 15 days of the entry of this Order;

5. Claimants Robert Merritt, John Webber, Daniel Shanks and Jose' Tagunicar are hereby granted leave to file amended proofs of claim to restate their claims to include a reference to their intent to seek recovery of their attorney fees and expenses under their Providian Agreement, as set forth in the Motion and the Reply (collectively, and together with the First Set of Amended Components, the Second Set of Amended Components and the Third Set of Amended Components, the "Amended Components"), within 15 days of the entry of this Order;

6. Claimants' amended proofs of claim will relate back to the bar date established in these cases, March 31, 2009;

7. WMI Liquidating Trust ("WMILT"), as successor in interest to Washington Mutual, Inc. and WMI Investment Corp., formerly debtors and debtors in possession, may file an objection (the "Objection") to the amended proofs of claim solely with respect to the Amended Components, on or before July 12, 2013, unless otherwise agreed to by the applicable parties or ordered by the Court;

8. Claimants shall file a response, if any, to any Objection on or before September 16, 2013, unless otherwise agreed to by the applicable parties or ordered by the Court;

9. The parties may take additional discovery solely with respect to the Amended Components;

10. WMILT is granted leave to bring additional adversary proceedings related solely to the Amended Components no later than July 12, 2013, unless otherwise agreed to by the applicable parties or ordered by the Court;

11. Claimants' deadlines to answer or otherwise respond to additional adversary proceedings filed by WMILT (if any) with respect to the Amended Components shall be governed by the Federal Rules of Bankruptcy Procedure;

12. Claimants hereby waive the invocation of any defense based on the running of any statute of limitation, statute of repose, period of prescription, contractual period of limitation, laches, and any other rule or doctrine, at law or in equity, relating to the timeliness of any claims that could have been timely asserted by WMILT solely with respect to adversary proceedings related to the Amended Components.

13. This Order is without prejudice to the rights of any party to seek additional relief from this Court; and,

14. This Court shall retain jurisdiction with respect to any matters related to or arising from the implementation of this Order.

Dated: _____, 2013
Wilmington, Delaware

THE HONORABLE MARY F. WALRATH
UNITED STATES BANKRUPTCY JUDGE