

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

-----X
: **Chapter 11**
: **Case No. 08-12229 (MFW)**
: **(Jointly Administered)**
: **Debtors.**
: **WASHINGTON MUTUAL, INC., et al.,¹**
: **In re**
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WMI LIQUIDATING TRUST’S OBJECTIONS AND RESPONSES TO CLAIMANT PATRICIA M. ROBERTS’ FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure (the “Federal Rules”), applicable hereto pursuant to Rules 7026 and 7034 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 7026 of the Local Rules for the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), WMI Liquidating Trust (“WMILT”), as successor in interest to Washington Mutual, Inc. (“WMI”) and WMI Investment Corp., hereby submits, by and through its counsel, the following objections and responses to the first set of requests for the production of documents of claimant Patricia M. Roberts (the “Requests,” with Patricia Roberts referred to herein as the “Claimant”)², as follows:

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.

² On May 13, 2013, the Court entered the *Order Approving Stipulation and Agreement Between WMI Liquidating Trust and Patricia Roberts, Partially Reinstating Proof of Claim No. 566 and Subjecting Such Claim to the Seventy-Ninth Omnibus Objection to Claims* [D.I. 11244].



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GENERAL OBJECTIONS

WMILT responds to the Requests subject to the following general objections (the “General Objections”) and without waiving, and expressly preserving, all other objections herein.

1. Inconsistency with Applicable Rules. WMILT objects to each Request to the extent that it seeks to impose requirements that are in addition to, different from, or broader than those set forth in, required or permitted by the Federal Rules, the Bankruptcy Rules, the Local Rules, and/or any rules, statutes, applicable case law, or court orders governing the proper scope, timing, and extent of all discovery in this litigation and these chapter 11 cases.

2. Relevance. WMILT objects to each Request to the extent it seeks documents or information neither relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence or testimony.

3. Vagueness/Ambiguity/Compound. WMILT objects to each Request to the extent that it is vague, ambiguous, or compound.

4. Privilege. WMILT objects to each Request to the extent that it seeks documents or information that is protected from discovery by the attorney-client privilege, work product doctrine, common interest privilege, joint-defense privilege, bank examiner privilege, or any other applicable common law or statutory privilege or doctrine. WMILT does not, and does not intend to, waive any privilege in responding to the Requests. To the extent that any privileged information is provided in response to any Request, consistent with paragraph 21(k) of 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 that certain *Agreed Order Amending Scheduling Orders with Respect to Employee Claims*

Hearing and Adversary Proceedings, dated January 8, 2013 [D.I. 10974], as further modified by that certain *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] (collectively, the "Scheduling Order"), WMILT reserves (a) its privileges with respect to such information; (b) its right to object to the use of such information; and (c) its right to object to the admissibility of such information.

5. Possession, Custody, or Control. WMILT objects to the Requests to the extent they seek information not in WMILT's possession, custody and/or control.

6. Claimant's Possession/Equal or Superior Access to Documents. To the extent that any Request seeks production of: (a) publicly available documents where the burden of collecting or compiling such documents is the same for all parties; or (b) documents within Claimant's possession, custody, or control, or to which Claimant has equal or superior access, WMILT objects on the grounds that the burden of deriving or ascertaining such information and/or documents is substantially the same for Claimant as for WMILT and, therefore, any such Request is unduly burdensome, oppressive, harassing and vexatious, goes beyond any legitimate need for discovery, and exceeds the scope of discovery as set forth in the Federal Rules, the Bankruptcy Rules, and/or the Local Rules.

7. Legal Conclusions. WMILT objects to each Request to the extent that it requires WMILT to draw legal conclusions and/or to assume disputed facts. WMILT's response to any Request is not to be construed as an admission that any of the requested information exists or that any of the contentions or legal conclusions, whether implicitly or explicitly stated in the Request, are founded.

8. Duplicative Requests. WMILT objects to each Request to the extent that it is duplicative of each other or of other discovery propounded in this litigation or these chapter 11 cases, or is unreasonably cumulative.

9. Overbreadth/Undue Burden/Harassment. WMILT objects to each Request to the extent that it is overly broad, unduly burdensome, and harassing. WMILT also objects to each Request to the extent that it purports to require WMILT to conduct more than a reasonably diligent search for responsive documents.

10. Time Period. WMILT objects to the Requests as overly broad, unduly burdensome, and harassing to the extent that they could be construed as not having any temporal restrictions.

11. Definitions. WMILT objects to Claimant's definitions to the extent that such definitions give meaning to words different from their ordinary English meaning or definitions set forth in applicable statutes or rules. When WMILT uses one of Claimant's capitalized terms in a response (as indicated by WMILT's own use of capital letters in its response), WMILT is using that term as defined by Claimant, subject to any specific objections to those definitions set forth herein. WMILT does not otherwise adopt or accept Claimant's capitalized, defined terms.

12. Wrong Party. WMILT objects to each Request to the extent that it seeks information concerning an entity separate and distinct from Washington Mutual, Inc. Any such Request is properly addressed to the separate and distinct entity inquired about.

13. Suspension of Discovery. WMILT objects to each Request to the extent that it purports to require WMILT to produce documents responsive to the Requests while discovery is suspended pursuant to the Scheduling Order.

RESERVATION OF RIGHTS

By making the following responses to the Requests, WMILT does not waive, and hereby expressly reserves, its objections to these Requests. By making these responses and objections, WMILT does not concede that any information sought by any Response is discoverable. WMILT makes these responses and objections without waiving or intending to waive: (a) the right to object on any ground to the use, introduction, or admissibility of the information provided in response to any Request on any and all grounds, including, but not limited to, competency, relevancy, materiality, and privilege; (b) the right to object to the use of the information provided in response to any Request in any subsequent proceeding in, or the resolution of, this or any other action; and (c) the right to object on any ground at any time to other Request, interrogatory, or other further discovery into any of the subject matters addressed in any Request or the responses hereto. Furthermore, WMILT makes the responses herein without in any manner implying or admitting that any conclusions or characterizations contained in the Requests are true and accurate. WMILT expressly reserves the right to supplement, clarify, revise, or correct the responses herein, and to assert additional general and/or specific objections to the Requests, at any time. Subject to and without waiving its General Objections and Reservations of Rights, WMILT responds to the specific requests as follows:

RESPONSES AND OBJECTIONS TO SPECIFIC REQUESTS

REQUEST FOR PRODUCTION NO. 1:

All reports, summaries, or other Documents prepared, reviewed, relied upon or which may be reviewed or relied upon, by any expert whom you expect to call to testify in this Contested Matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

WMILT incorporates herein by reference each and every General Objection set forth

above. WMILT further objects to this Request to the extent that it: (i) is overbroad, unduly burdensome, and otherwise exceeds the permissible scope of discovery; (ii) calls for the production of material protected from discovery by the attorney-client privilege, work product doctrine, common interest privilege, joint-defense privilege, Fed. R. Civ. P. 26(b)(4), or any other applicable common law or statutory privilege or doctrine; and (iii) is premature to seek expert disclosures at this stage of this Contested Matter.

Subject to and without waiving these objections and the General Objections, WMILT will produce responsive, non-privileged documents, if any, in its possession, custody and control that are responsive to Request No. 1 at the appropriate time and in accordance with the Scheduling Order. WMILT further reserves the right to supplement its response to this Request and to determine what evidence it will present, rely on, introduce into evidence, or refer to at any hearing on this Contested Matter at the appropriate time.

REQUEST FOR PRODUCTION NO. 2:

All Documents you expect to present, rely on, introduce into evidence, or refer to at any hearing on this Contested Matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

WMILT incorporates herein by reference each and every General Objection set forth above. WMILT further objects to this Request to the extent that it: (i) is vague, ambiguous or compound; (ii) is overbroad, unduly burdensome, harassing, and otherwise exceeds the permissible scope of discovery; (iii) calls for the production of material protected from discovery by the attorney-client privilege, work product doctrine, common interest privilege, joint-defense privilege, or any other applicable common law or statutory privilege or doctrine; and (iv) is premature to request WMILT to identify documents it expects to present, rely on, introduce into

evidence, or refer to as discovery is ongoing.

Subject to and without waiving these objections and the General Objections, WMILT will produce responsive, non-privileged documents, if any, in its possession, custody and control that are responsive to Request No. 2 at the appropriate time and in accordance with the Scheduling Order. WMILT further reserves the right to supplement its response to this Request and to determine what evidence it will present, rely on, introduce into evidence, or refer to at any hearing on this Contested Matter at the appropriate time.

REQUEST FOR PRODUCTION NO. 3:

All Documents upon which you intend to rely upon with respect to your position that a change-in-control as defined in each of the Employee Agreements did not occur in connection with the Office of Thrift Supervision's seizure of, and appointment of the FDIC as receiver for, WMB and the FDIC's sale of substantially all of WMB's assets to JPMorgan Chase Bank, National Association.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

WMILT incorporates herein by reference each and every General Objection set forth above. WMILT further objects to this Request to the extent that it: (i) is vague, ambiguous or compound; (ii) is overbroad, unduly burdensome, harassing, and otherwise exceeds the permissible scope of discovery; (iii) calls for the production of material protected from discovery by the attorney-client privilege, work product doctrine, common interest privilege, joint-defense privilege, or any other applicable common law or statutory privilege or doctrine; (iv) is duplicative and/or unreasonably cumulative, including of Request No. 2; and (v) is premature to request documents that WMILT will rely on with respect to its position that a "change in control" did not occur as discovery is ongoing.

Subject to and without waiving these objections and the General Objections, WMILT will produce responsive, non-privileged documents, if any, in its possession, custody and control that are responsive to Request No. 3 at the appropriate time and in accordance with the Scheduling Order. WMILT further reserves the right to supplement its response to this Request and to determine what evidence it will rely on with respect to its position that a “change of control” did not occur with respect to WMI at the appropriate time.

REQUEST FOR PRODUCTION NO. 4:

All Documents relating to any actions of the WMI board of directors relating to or deliberations concerning change-in-control agreements entered into by WMI or any of its affiliated entities or subsidiaries, including, with limitation, resolutions, consents and meeting minutes.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

WMILT incorporates herein by reference each and every General Objection set forth above. WMILT further objects to this Request to the extent that it: (i) calls for information or documents that are beyond WMILT’s possession, custody or control; (ii) is vague, ambiguous or compound; (iii) is overbroad, unduly burdensome, harassing, and otherwise exceeds the permissible scope of discovery; (iv) calls for the production of material protected from discovery by the attorney-client privilege, work product doctrine, common interest privilege, joint-defense privilege, or any other applicable common law or statutory privilege or doctrine; and (v) seeks information concerning an entity separate and distinct from Washington Mutual, Inc.

Subject to and without waiving these objections and the General Objections, WMILT has and will produce, at the appropriate time and pursuant to the terms of the Scheduling Order, responsive, non-privileged documents, if any, in its possession, custody and control that are

responsive to Request No. 4.

REQUEST FOR PRODUCTION NO. 5:

All Documents relating to any actions of the WMB board of directors relating to or deliberations concerning change-in-control agreements entered into by WMB or any of its affiliated entities or subsidiaries, including, with limitation, resolutions, consents and meeting minutes.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

WMILT incorporates herein by reference each and every General Objection set forth above. WMILT further objects to this Request to the extent that it: (i) calls for information or documents that are beyond WMILT's possession, custody or control; (ii) is vague, ambiguous or compound; (iii) is overbroad, unduly burdensome, harassing, and otherwise exceeds the permissible scope of discovery; (iv) seeks information concerning an entity separate and distinct from Washington Mutual, Inc.; and (v) calls for the production of material protected from discovery by the attorney-client privilege, work product doctrine, common interest privilege, joint-defense privilege, or any other applicable common law or statutory privilege or doctrine.

Subject to and without waiving these objections and the General Objections, WMILT has and will produce, at the appropriate time and pursuant to the terms of the Scheduling Order, responsive, non-privileged documents, if any, in its possession, custody and control that are responsive to Request No. 5.

REQUEST FOR PRODUCTION NO. 6:

All Documents you intend to rely upon with respect to your contention that the contractual predicates to payment in the Employee Agreements have not been met.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

WMILT incorporates herein by reference each and every General Objection set forth above. WMILT further objects to this Request to the extent that it: (i) is vague, ambiguous or compound; (ii) is overbroad, unduly burdensome, harassing, and otherwise exceeds the permissible scope of discovery; (iii) calls for the production of material protected from discovery by the attorney-client privilege, work product doctrine, common interest privilege, joint-defense privilege, or any other applicable common law or statutory privilege or doctrine; (iv) is duplicative and/or unreasonably cumulative, including of Request No. 2; and (v) is premature to request documents that WMILT will rely on with respect to its position that contractual predicates to payment in the Employee Agreements have not been met as discovery is ongoing.

Subject to and without waiving these objections and the General Objections, WMILT will produce responsive, non-privileged documents, if any, in its possession, custody and control that are responsive to Request No. 6 at the appropriate time and in accordance with the Scheduling Order. WMILT further reserves the right to supplement its response to this Request and to determine what evidence it will rely on with respect to its position that contractual predicates to payment in the Employment Agreements have not been met at the appropriate time.

REQUEST FOR PRODUCTION NO. 7:

All Documents you intend to rely upon with respect to your contention that Movant is entitled to a credit for any severance payments or other relevant benefits actually received by Claimant from JPMorgan Chase Bank, National Association on account of Claimant's employment with WMB.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

WMILT incorporates herein by reference each and every General Objection set forth above. WMILT further objects to this Request to the extent that it: (i) calls for information or documents that are beyond WMILT's possession, custody or control; (ii) is vague, ambiguous or compound; (iii) is overbroad, unduly burdensome, harassing, and otherwise exceeds the permissible scope of discovery; (iv) calls for the production of material protected from discovery by the attorney-client privilege, work product doctrine, common interest privilege, joint-defense privilege, or any other applicable common law or statutory privilege or doctrine; (v) is duplicative and/or unreasonably cumulative, including of Request No. 2; and (vi) is premature to request WMILT to identify all Documents that WMILT intends to rely upon, introduce into evidence or mark as an exhibit at any hearing in this Contested Matter as discovery is ongoing.

Subject to and without waiving these objections and the General Objections, WMILT will produce, at the appropriate time and pursuant to the terms of the Scheduling Order, responsive, non-privileged documents, if any, in its possession, custody and control that are responsive to Request No. 7.

REQUEST FOR PRODUCTION NO. 8:

All Documents relating to all deferred compensation plans, pension plans, equity incentive plans, severance plans or any other welfare or benefit plans offered by WMI and/or WMB to its employees, including any amendments to such plans.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

WMILT incorporates herein by reference each and every General Objection set forth above. WMILT further objects to this Request to the extent that it: (i) calls for information or documents that are beyond WMILT's possession, custody or control; (ii) is vague, ambiguous or

compound; (iii) is overbroad, unduly burdensome, harassing, and otherwise exceeds the permissible scope of discovery; (iv) seeks information concerning an entity separate and distinct from Washington Mutual, Inc.; and (v) calls for the production of material protected from discovery by the attorney-client privilege, work product doctrine, common interest privilege, joint-defense privilege, or any other applicable common law or statutory privilege or doctrine.

Subject to and without waiving these objections and the General Objections, WMILT will produce, at the appropriate time and pursuant to the terms of the Scheduling Order, the compensation plans, pension plans, equity incentive plans, severance plans or other welfare or benefit plans offered by WMI in which Claimant was a participant.

REQUEST FOR PRODUCTION NO. 9:

All Documents relating to the employment offer to Claimant, including, but not limited to, approvals by any of the Signatories or other members of management and/or the board of directors of WMI or WMB.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

WMILT incorporates herein by reference each and every General Objection set forth above. WMILT further objects to this Request to the extent that it: (i) calls for information or documents that are beyond WMILT's possession, custody or control; (ii) is vague, ambiguous or compound; (iii) is overbroad, unduly burdensome, harassing, and otherwise exceeds the permissible scope of discovery; (iv) calls for the production of material protected from discovery by the attorney-client privilege, work product doctrine, common interest privilege, joint-defense privilege, or any other applicable common law or statutory privilege or doctrine; (v) calls for a legal conclusion; and (vi) seeks information concerning an entity separate and distinct from Washington Mutual, Inc.

Subject to and without waiving these objections and the General Objections, WMILT will produce, at the appropriate time and pursuant to the terms of the Scheduling Order, responsive, non-privileged documents, if any, in its possession, custody and control that are responsive to Request No. 9.

REQUEST FOR PRODUCTION NO. 10:

All Documents relating to the offer to Claimant of a change-in-control agreement, including, but not limited to, approvals by any of the Signatories or other members of management and/or the board of directors of WMI or WMB.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

WMILT incorporates herein by reference each and every General Objection set forth above. WMILT further objects to this Request to the extent that it: (i) calls for information or documents that are beyond WMILT's possession, custody or control; (ii) is vague, ambiguous or compound; (iii) is overbroad, unduly burdensome, harassing, and otherwise exceeds the permissible scope of discovery; (iv) calls for the production of material protected from discovery by the attorney-client privilege, work product doctrine, common interest privilege, joint-defense privilege, or any other applicable common law or statutory privilege or doctrine; and (v) seeks information concerning an entity separate and distinct from Washington Mutual, Inc.

Subject to and without waiving these objections and the General Objections, WMILT will produce, at the appropriate time and pursuant to the terms of the Scheduling Order, responsive, non-privileged documents, if any, in its possession, custody and control that are responsive to Request No. 10.

REQUEST FOR PRODUCTION NO. 11:

All Documents relating to the offer to Claimant of a special bonus opportunity agreement, including, but not limited to, approvals by any of the Signatories and other members of management and/or the board of directors of WMI or WMB.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

WMILT incorporates herein by reference each and every General Objection set forth above. WMILT further objects to this Request to the extent that it: (i) calls for information or documents that are beyond WMILT's possession, custody or control; (ii) is vague, ambiguous or compound; (iii) is overbroad, unduly burdensome, harassing, and otherwise exceeds the permissible scope of discovery; (iv) calls for the production of material protected from discovery by the attorney-client privilege, work product doctrine, common interest privilege, joint-defense privilege, or any other applicable common law or statutory privilege or doctrine; and (v) seeks information concerning an entity separate and distinct from Washington Mutual, Inc.

Subject to and without waiving these objections and the General Objections, WMILT will produce, at the appropriate time and pursuant to the terms of the Scheduling Order, responsive, non-privileged documents, if any, in its possession, custody and control that are responsive to Request No. 11.

REQUEST FOR PRODUCTION NO. 12:

All Documents describing Claimant's job duties and reporting duties within the Washington Mutual organization (including WMI and any of its subsidiaries or affiliates) during the period from the Employment Offer Date through September 26, 2008.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

WMILT incorporates herein by reference each and every General Objection set forth

above. WMILT further objects to this request to the extent that it: (i) calls for information or documents that are beyond WMILT's possession, custody or control; (ii) is vague, ambiguous or compound; (iii) is overbroad, unduly burdensome, harassing, and otherwise exceeds the permissible scope of discovery; and (iv) seeks information concerning an entity separate and distinct from Washington Mutual, Inc.

Subject to and without waiving these objections and the General Objections, WMILT will produce, at the appropriate time and pursuant to the terms of the Scheduling Order, relevant, non-privileged documents, if any, in its possession, custody and control sufficient to depict Claimant's job duties and reporting duties within the Washington Mutual organization during the relevant time period.

REQUEST FOR PRODUCTION NO. 13

All Documents describing or establishing the authority of each of the Signatories to bind WMI in contract during the period from the Employment Offer Date through September 26, 2008.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

WMILT incorporates herein by reference each and every General Objection set forth above. WMILT further objects to this Request to the extent that it: (i) is vague, ambiguous or compound; (ii) is overbroad, unduly burdensome, harassing, and otherwise exceeds the permissible scope of discovery; (iii) calls for a legal conclusion; (iv) calls for the production of material protected from discovery by the attorney-client privilege, work product doctrine, common interest privilege, joint-defense privilege, or any other applicable common law or statutory privilege or doctrine.

REQUEST FOR PRODUCTION NO. 14

All Documents relating to the evaluation of Claimant's job performance during the period January 1, 2005 through September 26, 2008.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

WMILT incorporates herein by reference each and every General Objection set forth above. WMILT further objects to this Request to the extent that it: (i) calls for information or documents that are beyond WMILT's possession, custody or control; (ii) is vague, ambiguous or compound; and (iii) is overbroad, unduly burdensome, harassing, and otherwise exceeds the permissible scope of discovery.

Subject to and without waiving these objections and the General Objections, WMILT will produce, at the appropriate time and pursuant to the terms of the Scheduling Order, responsive, non-privileged documents, if any, in its possession, custody and control that are responsive to Request No. 14.

REQUEST FOR PRODUCTION NO. 15:

All Documents reflecting payments pursuant to special bonus opportunity agreements to employees of WMI and/or WMB.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

WMILT incorporates herein by reference each and every General Objection set forth above. WMILT further objects to this Request to the extent that it: (i) calls for information or documents that are beyond WMILT's possession, custody or control; (ii) is vague, ambiguous or compound; (iii) is overbroad, unduly burdensome, harassing, and otherwise exceeds the permissible scope of discovery; (iv) calls for the production of material protected from discovery by the attorney-client privilege, work product doctrine, common interest privilege, joint-defense

privilege, or any other applicable common law or statutory privilege or doctrine; (v) calls for information or documents that are in Claimant's possession, custody or control; and (vi) seeks information concerning an entity separate and distinct from Washington Mutual, Inc.

Subject to and without waiving these objections and the General Objections, WMILT will produce, at the appropriate time and pursuant to the terms of the Scheduling Order, responsive, non-privileged documents, if any, in its possession, custody and control sufficient to show payments made to Claimant pursuant to special bonus opportunity agreements.

REQUEST FOR PRODUCTION NO. 16

All Documents or correspondence exchanged by you, WMI or WMB and any third party relating to the subject matter of this Contested Matter, including, but not limited to, correspondence relating to Claimant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

WMILT incorporates herein by reference each and every General Objection set forth above. WMILT further objects to this Request on the grounds that it: (i) calls for information or documents that are beyond WMILT's possession, custody or control; (ii) is vague, ambiguous or compound; (iii) is overbroad, unduly burdensome, harassing, and otherwise exceeds the permissible scope of discovery, including because the definition of "You" specified in the Requests encompasses WMILT's agents, representatives and employees; (iv) calls for the production of material protected from discovery by the attorney-client privilege, work product doctrine, common interest privilege, joint-defense privilege, or any other applicable common law or statutory privilege or doctrine; and (v) seeks information concerning an entity separate and distinct from Washington Mutual, Inc.

REQUEST FOR PRODUCTION NO. 17

All Documents you intend to introduce into evidence or mark as an exhibit at a hearing in this Contested Matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

WMILT incorporates herein by reference each and every General Objection set forth above. WMILT further objects to this Request to the extent that it: (i) is vague, ambiguous or compound; (ii) is overbroad, unduly burdensome, harassing, and otherwise exceeds the permissible scope of discovery; (iii) is duplicative and/or unreasonably cumulative, including of Request No. 2; (iv) calls for the production of material protected from discovery by the attorney-client privilege, work product doctrine, common interest privilege, joint-defense privilege, or any other applicable common law or statutory privilege or doctrine; and (v) is premature to request WMILT to identify documents it expects to present, rely on, introduce into evidence, or refer to as discovery is ongoing.

Subject to and without waiving these objections and the General Objections, WMILT will produce responsive, non-privileged documents, if any, in its possession, custody and control that are responsive to Request No. 17 at the appropriate time and in accordance with the Scheduling Order. WMILT further reserves the right to supplement its response to this Request and to determine what evidence it will present, rely on, introduce into evidence, or refer to at any hearing in this Contested Matter at the appropriate time.

Dated: June 3, 2013
Wilmington, Delaware

/s/ Amanda R. Steele

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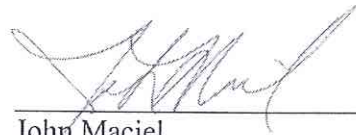
VERIFICATION

I, John Maciel, am a Senior Director with Alvarez & Marsal North America, LLC and the current Chief Financial Officer of WMI Liquidating Trust (“WMILT”), as a successor in interest to Washington Mutual, Inc. (“WMI”) and WMI Investment Corp. (“WMI Investment”) and, together with WMI, the “Debtors”). Previously, I was Chief Financial Officer of both of the Debtors. I have read the foregoing WMI LIQUIDATING TRUST’S OBJECTIONS AND RESPONSES TO THE INTERROGATORIES OF PATRICIA M. ROBERTS (the “Responses”), and am familiar with its contents.

I declare, to the best of my knowledge, information, and belief, that the matters set forth in the Responses are true and correct. I do not, however, have personal knowledge of all of the facts contained in the Responses and, with respect to some facts contained in the Responses, I have been informed that they are true and base my belief as to the accuracy of the Responses on such information. WMILT reserves the right to make any changes in the Responses if it appears at any time that omissions or errors have been made or that more accurate information is available.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 3, 2013



John Maciel

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

-----X	
<i>In re:</i>	: Chapter 11
WASHINGTON MUTUAL, INC., <u>et al.</u> , ¹	: Case No. 08-12229 (MFW)
	: (Jointly Administered)
Debtors.	:
	:
-----X	

CERTIFICATE OF SERVICE

I, Amanda R. Steele, do hereby certify that on June 3, 2013, I caused a copy of the following documents:

- **WMI Liquidating Trust's Objections and Responses to Claimant Patricia M. Roberts' First Request for Production of Documents**

to be served on the party listed below in the manner indicated.

Via Overnight Mail

Patricia Roberts
8 Staff Post Road
Fort Sam Houston, Texas 78234

/s/ Amanda R. Steele
Amanda R. Steele (No. 5530)

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 WMI Liquidating Trust are located at 1201 Third Avenue, Suite 3000, Seattle, Washington 98101.