

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

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In re	:	Chapter 11
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<b>WASHINGTON MUTUAL, INC., et al.,<sup>1</sup></b>	:	<b>Case No. 08-12229 (MFW)</b>
	:	<b>(Jointly Administered)</b>
	:	
<b>Debtors.</b>	:	<b>Hearing Date: October 16, 2018 at 11:30 a.m.</b>
	:	<b>Objection Deadline: October 5, 2018 at 4:00 p.m.</b>
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**JOINDER OF ANDREW ESCHENBACH TO  
MOTION FOR ORDER DETERMINING APPLICABLE LAW  
NECESSARY TO IMPLEMENT DEBTORS' CHAPTER 11 PLAN**

Andrew Eschenbach (“Claimant”), by and through his undersigned counsel, hereby joins the *Motion Of Melba Ann Bartels, Todd H. Baker, Sean Beckett, Anthony J. Bozzuti, Alfred Brooks, Thomas W. Casey, Gregory C. Camas, Debora D. Horvath, Rajiv Kapoor, Kenneth E. Kido, Marc Malone, John P. McMurray, John Murphy, Thomas E. Morgan, Stephen J. Rotella, David Schneider, Genevieve Smith, Steven F. Stein, Mitchell Stevens, Craig E. Tall, Radha Thompson, Ann Tierney, Anthony Vuoto, And Robert J. Williams, Jr. For Order Determining Applicable Law Necessary To Implement Debtor’s Chapter 11 Plan* [D.I. 12512] (“**Motion**”). The Claimant respectfully joins in the Motion and adopts the positions taken therein.

For the reasons set forth in the Motion, Claimant requests a determination at this time that WMILT<sup>2</sup>, as a Delaware statutory trust, is not a “bank” or a “bank holding company” and accordingly, that if the Claimant’s claim is allowed by this Court (whether following a claims hearing or by way of a Court-approved settlement), then WMILT will be obligated to

<sup>1</sup> The Debtors in this Chapter 11 case are Washington Mutual, Inc. (“WMI”) and WMI Investment Corp.



pay the resulting amounts allowed. This determination is necessary to fulfill WMILT's duties under Debtors' Chapter 11 Plan. That Plan requires WMILT to resolve claims and pay those that are allowed. The Plan specifically states that WMILT will fulfill its duties in accordance with "applicable law." Plan sections 27.2, 27.4 and 27.6. The application of 12 U.S.C. § 1828k is limited solely to two kinds of entities – "insured depository institutions" and (2) "covered companies." Neither post-petition WMI nor WMILT qualify as "insured depository institutions" or "covered companies" under 12 U.S.C. § 1828k.

For the reasons set forth in the Motion, Claimant requests entry of an order, directed to and binding upon WMILT and Claimant herein, (1) determining that Section 1828(k) is not "applicable law" as to WMILT and (2) determining that if Claimant's claim is allowed by this Court (whether following a claims hearing or by a Court-approved settlement), then WMILT will pay the resulting amounts allowed.

Respectfully submitted,

**LICHTSINN & HAENSEL, s.c.**

*/s/ Michael J. Bennett*

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Dated: September 24, 2018  
Milwaukee<sup>2</sup>, WI

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<sup>2</sup> All initial capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.