

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

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In re: )  
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WASHINGTON MUTUAL, INC., et al.,<sup>1</sup> )  
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Debtors. )  
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Chapter 11  
CLERK  
U.S. BANKRUPTCY COURT  
DISTRICT OF DELAWARE  
Case No. 08-12229 (MFW)

Jointly Administered

Re: Docket Nos. 12499, 12512, 12573, 12574,  
12575, 12576 Hearing Dates: October 16, 2018  
& November 1, 2018.

**OBJECTION OF DAVID SHUTVET TO THE CLAIMANTS SUPPLEMENTAL  
BRIEF LETTERS OF CERTAIN CLAIMANTS REGARDING WMILT'S MOTION TO  
DISMISS ALL REMAINING EMPLOYEE CLAIMS AND TO DISTRIBUTE DISPUTED  
CLAIMS RESERVE FUNDS.**

Now comes before this honorable court that I, David Shutvet, pro se, being an 'interested party' to this case with basis from my ownership of class 16 "PIERS", and class 19 & 22 (Equity Estate Interest) files this objection (the "Objection") to the Claimants Supplemental Brief letters. Claimant's attorneys are now requesting this court to change your Honor October 16, 2018 "Bench" ruling. Claimants attorneys continue to waste time and expenses with letters to the court when they should have learned how to file Motions and Appeals, which they were given many opportunities to do.

This Employee Claimants letters to the court continues to cause delays and unneeded expenses by all parties while attempting to get some settlement, which this court has denied many times and lacks the jurisdiction required. On October 16th, 2018

<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 800 Fifth Avenue, Suite 4100, Seattle, Washington 98104



the Court held a hearing (the "October 16 Hearing") Your Honor made a "Bench" ruling that WMILT Motion would be Granted, the Claimants' Motion is Denied and WMILT could make readjust to the DCR allowance per 26.3(a), but then also granted Claimants a 21 day stay for possible appeal to higher court. There was talk about Claimants posting a "Bond" for delay damages. Even after all deadlines the Claimants continue to request more documents and time for additional Motions. The Claimants continue to request discovery documents with full understanding that their claims have already been admonished for opting not to intervene in the APA actions. It is past time to put these requested Claimants demands where they belong – DENIED!

The employees that the Claimants counsel has pursued for this Golden Parachute Claims are mostly past employees that mismanaged WMI Bank (WMB) into its receivership status. The employees must not be rewarded this Golden Parachute for their role in mismanaging the bank. We believe that many of the past employees requesting their Golden Parachute may have been rehired by JPM and no longer entitled to receive this claim. Additionally, the Claimants wasted unnecessary legal fees and court time when they should have just waited for the FDIC to complete the Receivership and the Change-in-Control (CIC) they can file their claims with the parties that should be responsible - FDIC and JPM.

The FEDERAL HOUSING FINANCE AGENCY in Final rule dated December 14, 2018 Section 1231.3(a), Golden Parachute Payments and Agreements Requiring FHFA Consent FHFA proposed to retain the general construct of the 2014 rule and **will**

**continue to prohibit all golden parachute payments and agreements that are not exempt from or permitted by the rule. Section 4518(e) clearly permits FHFA to prohibit or limit golden parachute agreements and payments when a regulated entity is a troubled institution.**

Your Honor, I write this Objection on behalf of other Equity Estate holders that have endured over 10 years of what appeared to us as a willful Bank Robbery by the FDIC and their attempt to shred the assets of a Public Holding Company and give them to JPM at less than fair value. Equity shareholders have witnessed many pieces of WMI Holding company asset chain which appear to be unaccounted for with no direct proof of a 363 sale or records at fair value. WMI shareholders have watched many "colorful" events by those large hedge funds that wrote the POR, "The Plan," and witnessed those same Hedge funds sell much of their "PIERS" position after max payment was capped and at same time bought into both class 19 and 22 with full understanding of how the "waterfall" would flow. Now with the restructured company under the name of Mr. Cooper Group Inc. "COOP", those same hedge funds continue to this date doing their "colorful" actions manipulating that security fully understand when and what will unfold as they still have that inside information writing "The Plan", and what will flow after the FDIC completes the receivership.

Estate Equity Holders of Class 19 and 22 WMI (class releasing) shareholders have not been legally represented for the last 5 years. WMI Estate holders have moved down this very long bumpy road with the restructuring of WMI holding with a very

unclear windshield as it was clouded over by a very lack of transparency by the FDIC. They have never provided the 3(a) report of asset given to JPM, and if they even paid market value. The Purchase and Assumption Agreement "P&AA" showed an "initial" purchase price of only \$1.9 billion, and with just a small handful of assets that JPM received gave JPM more in asset value than the initial purchase price. Will the FDIC provide the "Final" purchase price? Additionally, the FDIC did not disclose the complete 118-page Purchase and Assumption Agreement. They only provided their condensed 35-page report without the 3(a)-asset list.

What is **VERY CLEAR** to many of us is how well-structured Washington Mutual Holding was with the many very large "Trusts" such as the "Washington Mutual Capital Trust 2001" and many other larger Holding company assets managed by many large bank Trustees. Many of us have tracked those assets that were in their "Legal Isolated status" and are now presumed to be sitting in "Safe Harbor" and managed by William Kosturos (Chief Restructuring Office) of the Estate. WMI (class releasing) shareholders have been waiting patiently for the completion of the receivership to see if the "waterfall" comes to us in a "fair and reasonable" way, which we all expect. Your Honor, the WMI (class releasing) shareholders wish to thank you for your time and your allowance to give Equity an opportunity to be heard in your court. WMI (class releasing) shareholders are very grateful that your Honor understood the many "POR's" were very flawed with demands by the hedge funds, investment banks and creditors all attempting to game this court for unjust claims, and finally the Seventh Amended Plan was approved by your Honor.

**CONCLUSIONS**

The Claimants Supplemental Brief letters is the latest attempt to skirt the numerous judicial determinations and agency denials in the hope that this Court turns a blind eye to its lack of subject matter jurisdiction. These efforts must stop. The courts have spoken. Claimants chose not to appeal their claim to higher court, which has already reviewed and denied it as Mute.

The Claimants Supplemental Brief letters must be ignored with no further request for delays or documents, or fee payments.

**WMI Liquidation Trust shall be permitted to adjust the disputed claim holdback, pursuant to Section 26.3(a) and given the approval needed to make special disbursement to pay off last remaining Senior Debt (Tranche 4).**

 January 04, 2019

David Shutvet

cc: Stephan Kyle, Esq.  
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