

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

*In re*

WASHINGTON MUTUAL, INC., *et al.*,<sup>1</sup>

Reorganized Debtors.

Chapter 11

Case No. 08-12229 (MFW)

Re: D.I. Nos. 12715, 12718, 12719, 12720, 12723

**MOTION OF WMI LIQUIDATING TRUST FOR LEAVE TO FILE AND SERVE THE  
REPLY OF WMI LIQUIDATING TRUST IN SUPPORT OF MOTION TO REOPEN  
THE CHAPTER 11 CASE OF WASHINGTON MUTUAL, INC. FOR THE LIMITED  
PURPOSE OF (I) ENFORCING THE EXCULPATION, INJUNCTION, RELEASE,  
AND DISCHARGE PROVISIONS OF THE DEBTORS' JOINT CHAPTER 11  
PLAN AND CONFIRMATION ORDER AND (II) IMPOSING SANCTIONS**

WMI Liquidating Trust (the “Trust”), as successor to Washington Mutual, Inc. (“WMI”) and WMI Investment Corp. (together with WMI, the “Reorganized Debtors,” and prior to the effective date of the Plan (as defined below), the “Debtors”), hereby submits this motion (the “Motion for Leave”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), authorizing the Trust to file and serve its reply (the “Reply”),<sup>2</sup> filed contemporaneously herewith, in support of its emergency motion to reopen the bankruptcy case (the “Motion to Reopen”) and its motion to enforce the plan injunction (the “Motion to Enforce”) and together with the Motion to Reopen, the “Motions”).

**JURISDICTION AND VENUE**

1. This Court has jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b) and, in accordance with Local Rule 9013-1(f), the

<sup>1</sup> The Reorganized 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 Reorganized Debtors had a former address of 1201 Third Avenue, Suite 3000, Seattle, Washington 98101.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the same meanings ascribed to them in the Reply.



Trust consents to the entry of a final judgment or order with respect to this Motion if it is determined that this Court, absent consent of the parties, cannot enter final orders or judgments on this Motion consistent with Article III of the United States Constitution. Venue of this chapter 11 case in this district is proper under 28 U.S.C. §§ 1408 and 1409. The statutory predicate for the relief requested herein is Local Rules 9006-1(d).

### **BACKGROUND**

2. On June 4, 2021, the Trust filed the Motions.
3. Contemporaneously with the filing of the Motions, the Trust also filed a motion to shorten the notice and objection period with respect to the Motions [Docket No. 12716] (the “Motion to Shorten”).
4. On June 7, 2021, the Court granted the relief requested in the Motion to Shorten (the “Order Shortening Notice”). In accordance with the Order Shortening Notice, a hearing (the “Hearing”) to consider the Motions was scheduled for June 10, 2021 at 3:00 p.m. (ET) and the deadline for filing responses or objections to the Motions was set for the time of the Hearing (the “Objection Deadline”).
5. On June 7, 2021, Alice Griffin (“Griffin”) filed an objection (the “Original Objection”) to the relief requested in the Motions.
6. On June 8, 2021, Griffin filed a supplemental objection (the “Supplemental Objection”) and together with the Original Objection, the “Objections”) to the relief requested in the Motions.
7. On June 8, 2021, the Trust filed the *Notice of Rescheduled Hearing*, rescheduling the Hearing for June 11, 2021 at 9:00 a.m. (ET) (the “Rescheduled Hearing”).

**RELIEF REQUESTED**

8. The Trust seeks entry of the Proposed Order, substantially in the form attached hereto as **Exhibit A**, authorizing the Trust to file and serve the Reply in support of the Motions beyond the deadline set forth in Local Rule 9006-1(d).

**BASIS FOR RELIEF**

9. Pursuant to Local Rule 9006-1(d), “[r]eply papers . . . may be filed and, if filed, shall be served so as to be received by 4:00 p.m. prevailing Eastern Time the day prior to the deadline for filing the agenda.” *See* Del. Bankr. L.R. 9006-1(d). The agenda for the Rescheduled Hearing was due on 12:00 p.m. (Eastern Time) on June 9, 2021. Under Local Rule 9006-1(d), the reply deadline was 4:00 p.m. (Eastern Time) on June 8, 2021 (the “Reply Deadline”)--less than 48 hours after the Trust received the Original Objection and prior to the Trust’s receipt of the Supplemental Objection.

10. Because of the compressed timeframe necessitated by this matter, cause exists to extend the time by which to file the Reply under Local Rule 9006-1(d). The Reply will be helpful to the Court, as it will respond to arguments raised in the Objections and therefore help crystalize the issues for the Court in advance of argument. Additionally, extending the deadline will not prejudice any party, as parties in interest will have sufficient time to review the Reply in advance of the Rescheduled Hearing. Accordingly, the Trust submits that the relief requested herein is reasonable under the circumstances and should be approved.

**NOTICE**

11. Notice of this Motion for Leave will be provided to: (i) the Office of the United States Trustee for the District of Delaware; (ii) Griffin; (iii) counsel for Mr. Cooper; and (iv) any

party that has requested notice pursuant to Local Rule 2002-1(b). In light of the nature of the relief requested herein, the Trust submits that no other or further notice is necessary.

WHEREFORE, the Trust respectfully requests that the Court grant the relief requested herein, in substantially the form of order attached hereto as **Exhibit A**, and such other and further relief as the Court may deem just and proper.

Dated: June 10, 2021  
Wilmington, Delaware

Respectfully submitted,

/s/ Marcos A. Ramos  
RICHARDS, LAYTON & FINGER, P.A.  
Marcos A. Ramos (No. 4450)  
Cory D. Kandestin (No. 5025)  
One Rodney Square  
920 North King Street  
Wilmington, Delaware 19801  
Telephone: (302) 651-7700  
Facsimile: (302) 651-7701

-and-

PROSKAUER ROSE LLP  
Brian S. Rosen  
Eleven Times Square  
New York, NY 10036  
Telephone: (212) 969-3000  
Facsimile: (212) 969-2900

**Exhibit A**

**Proposed Order**

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

*In re*

**WASHINGTON MUTUAL, INC., *et al.*,**<sup>1</sup>

**Reorganized Debtors.**

Chapter 11

Case No. 08-12229 (MFW)

Re: D.I. No. \_\_\_\_

**ORDER GRANTING THE TRUST LEAVE TO FILE AND SERVE  
REPLY IN SUPPORT OF THE MOTION TO REOPEN AND MOTION TO ENFORCE**

Upon the motion, dated June 10, 2021 (the “Motion for Leave”)<sup>2</sup> of the Trust for entry of an order, pursuant to Local Rule 9006-1(d), granting the Trust leave and permission to file and serve the Reply in support of the Motions, as more fully described in the Motion for Leave; and the Court having reviewed the Motion for Leave; and the Court having jurisdiction to consider the Motion for Leave and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the District of Delaware*, dated February 29, 2012; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and that this Court may enter an order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and the Motion for Leave in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and adequate notice of the Motion for Leave has been given and that no other or further notice is necessary; and upon the record herein; and after due deliberation and sufficient cause appearing therefore,

---

<sup>1</sup> The Reorganized 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 Reorganized Debtors had a former address of 1201 Third Avenue, Suite 3000, Seattle, Washington 98101.

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

**IT IS HEREBY ORDERED THAT:**

1. The Motion for Leave is GRANTED as set forth herein.
2. The Trust is granted leave and permission to file and serve the Reply, and the Court will consider the Reply.
3. The Trust is authorized to take all actions necessary or appropriate to effectuate the relief granted pursuant to this Order.
4. The Court shall retain jurisdiction with respect to any matters, claims, rights or disputes arising from or related to this Order.