

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

In re:

WASHINGTON MUTUAL INC., et al.,

Debtors

Chapter 11
Case No. 08-12229 (MFW)

WMI LIQUIDATING TRUST,

Plaintiff,

Adv. Pro. No. 14-50435 (MFW)

v.

Re Dkt. No. 38

FEDERAL DEPOSIT INSURANCE
CORPORATION, in its corporate capacity, et al.,

Defendants.

**CERTIFICATION OF COUNSEL REGARDING STIPULATION AND
PROPOSED ORDER EXTENDING TIME FOR PLAINTIFF WMI LIQUIDATING
TRUST TO OPPOSE DEFENDANT FEDERAL DEPOSIT INSURANCE
CORPORATION’S MOTION TO DISMISS THE AMENDED COMPLAINT**

The undersigned counsel hereby certifies as follows:

1. On July 3, 2014, the United States District Court for the Western District of Washington (Jones, J.) issued an order (1) transferring the above-captioned case to this Court under 28 U.S.C. § 1404; and (2) “terminating” all outstanding motions.

2. On August 11, 2014, this Court issued an order extending until September 5, 2014 the time the Federal Deposit Insurance Corporation in its Corporate Capacity (the “FDIC”) had to file an answer or otherwise respond to the Amended Complaint (Dkt. 17).

3. On September 5, 2014, the FDIC filed its Motion to Dismiss the Amended Complaint (Dkt. 38) (the “FDIC’s Motion to Dismiss”).



4. WMI Liquidating Trust (“WMILT”) and the FDIC have stipulated to extend (1) the period in which WMILT must respond to the FDIC’s Motion to Dismiss and the relief requested therein; and (2) the period in which the FDIC may file a reply, if any, in support of the FDIC’s Motion to Dismiss; a copy of the Stipulation is annexed hereto as **Exhibit A**.

5. WMILT and the FDIC respectfully request that the Court enter an Order, in the form annexed hereto as **Exhibit B**, approving the Stipulation at the Court’s earliest convenience.

6. This certification does not serve as consent to the entry of final orders or judgments by the Bankruptcy Court.

Dated: September 15, 2014
Wilmington, DE

/s/ Amanda R. Steele
Mark D. Collins (No. 2981)
Paul N. Heath (No. 3704)
Amanda R. Steele (No. 5530)
RICHARDS, LAYTON & FINGER, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
Telephone: (302) 651-7700
Facsimile: (302) 651-7701

– and –

Brian S. Rosen, Esq.
John P. Mastando III, Esq.
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

Attorneys for WMI Liquidating Trust

EXHIBIT A

[Stipulation]

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

In re: WASHINGTON MUTUAL INC., et al., Debtors	Chapter 11 Case No. 08-12229 (MFW)
WMI LIQUIDATING TRUST, Plaintiff, v. FEDERAL DEPOSIT INSURANCE CORPORATION, in its corporate capacity, et al., Defendants.	Adv. Pro. No. 14-50435 (MFW)

STIPULATION AND PROPOSED ORDER EXTENDING TIME FOR PLAINTIFF WMI LIQUIDATING TRUST TO OPPOSE DEFENDANT FEDERAL DEPOSIT INSURANCE CORPORATION'S MOTION TO DISMISS THE AMENDED COMPLAINT

1. Plaintiff WMI Liquidating Trust (“WMILT”) commenced the above-referenced adversary proceeding by filing a complaint in the United States District Court for the Western District of Washington, naming the Board of Governors of the Federal Reserve System (the “Board”), the Federal Deposit Insurance Corporation in its Corporate Capacity (“FDIC”), and numerous former Washington Mutual Bank and Washington Mutual, Inc. officers and employees as defendants. On November 5, 2013, WMILT filed an Amended Complaint (Dkt. 23) (the “Amended Complaint”).

2. On July 3, 2014, the United States District Court for the Western District of Washington (Jones, J.) issued an order: (1) transferring the case to the United States Bankruptcy

Court for the District of Delaware (the “Bankruptcy Court”) under 28 U.S.C. § 1404; and (2) “terminating” all outstanding motions.

3. On July 30, 2014, the FDIC filed its Motion for Withdrawal of the Reference (Dkt. 7); and on August 22, 2014, certain parties filed, under certification of counsel, a stipulation in which those parties, including forty (40) individual defendants, WMILT, the FDIC, and the Board, agreed that the Motion for Withdrawal of the Reference should be granted (Dkt. 33); the parties are awaiting the order to be signed.

4. On August 11, 2014, the Bankruptcy Court issued an order extending until September 5, 2014 the time the FDIC had to respond to the Amended Complaint (Dkt. 17).

5. On September 5, 2014, the FDIC filed its motion to dismiss the Amended Complaint (Dkt. 38) (the “FDIC’s Motion to Dismiss”).

6. The FDIC and WMILT agree to extend through and including October 22, 2014 the period in which WMILT must respond to the FDIC’s Motion to Dismiss and the relief requested therein.

7. The FDIC and WMILT further agree to extend through and including November 21, 2014 the period in which the FDIC may file a reply, if any, in support of the FDIC’s Motion to Dismiss.

8. This stipulation is made without waiver or concession by WMILT or the FDIC of any defense, jurisdictional or otherwise. This stipulation does not serve as consent to the entry of final orders or judgments by the Bankruptcy Court.

Dated: September 15, 2014

/s/ Erik Bond

Barbara Katron, Esq.
Erik Bond, Esq.
FEDERAL DEPOSIT INSURANCE
CORPORATION
3501 N. Fairfax Drive
Room VS-D-7074
Arlington, VA 22226
Tel: 703-562-6461
Fax: 703-562-2475
Email: erbond@fdic.gov

*Attorneys for Defendant Federal Deposit
Insurance Corporation*

/s/ Amanda R. Steele

Mark D. Collins (No. 2981)
Paul N. Heath (No. 3704)
Amanda R. Steele (No. 5530)
RICHARDS, LAYTON & FINGER, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
Telephone: (302) 651-7700
Facsimile: (302) 651-7701

– and –

Brian S. Rosen, Esq.
John P. Mastando III, Esq.
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

Attorneys for WMI Liquidating Trust

EXHIBIT B

[Proposed Order]

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re:

WASHINGTON MUTUAL INC., et al.,

Debtors

Chapter 11

Case No. 08-12229 (MFW)

WMI LIQUIDATING TRUST,

Plaintiff,

Adv. Pro. No. 14-50435 (MFW)

v.

Re Dkt. No. 38

FEDERAL DEPOSIT INSURANCE
CORPORATION, in its corporate capacity, et al.,

Defendants.

**PROPOSED ORDER GRANTING PLAINTIFF WMILT'S STIPULATION FOR
EXTENSION OF TIME TO OPPOSE DEFENDANT FEDERAL DEPOSIT INSURANCE
CORPORATION'S MOTION TO DISMISS THE AMENDED COMPLAINT**

On September 5, 2014, the Federal Deposit Insurance Corporation in its Corporate Capacity (the "FDIC") filed its Motion to Dismiss the Amended Complaint (Dkt. 38) (the "FDIC's Motion to Dismiss"). Upon consideration of the Stipulation between plaintiff WMI Liquidating Trust ("WMILT") and defendant FDIC, dated September 15, 2014; and upon sufficient cause appearing therefor; it is hereby

ORDERED that the Stipulation is approved.

ORDERED that the period in which WMILT must respond to the FDIC's Motion to Dismiss and the relief requested therein is extended through and including October 22, 2014.

ORDERED that the period in which the FDIC may file a reply, if any, in support of the FDIC's Motion to Dismiss is extended through and including November 21, 2014.

Dated: Wilmington, Delaware
September __, 2014

THE HONORABLE MARY F. WALRATH
UNITED STATES BANKRUPTCY JUDGE