

**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. 41

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 BOARD OF GOVERNORS OF THE FEDERAL
RESERVE SYSTEM’S MOTION TO DISMISS THE AMENDED COMPLAINT**

The undersigned counsel hereby respectfully 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 14, 2014, this Court issued an order extending until September 5, 2014 the time the Board of Governors of the Federal Reserve System (the “Board”) had to file an answer or otherwise respond to the Amended Complaint (Dkt. 28).

3. On September 5, 2014, the Board filed its Motion to Dismiss the Amended Complaint for lack of subject matter jurisdiction and failure to state a claim (Dkt. 41) (the “Board’s Motion to Dismiss”).



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

5. WMILT and the Board 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 16, 2014
Wilmington, DE

/s/ Amanda R. Steele
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EXHIBIT A

[Stipulation]

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

In re:

WASHINGTON MUTUAL INC., et al.,

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WMI LIQUIDATING TRUST,

Plaintiff,

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

v.

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

Defendants.

STIPULATION AND PROPOSED ORDER EXTENDING TIME FOR PLAINTIFF WMI LIQUIDATING TRUST TO OPPOSE DEFENDANT BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM'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 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 14, 2014, the Bankruptcy Court issued an order extending until September 5, 2014 the time the Board had to respond to the Amended Complaint (Dkt. 28).

5. On September 5, 2014, the Board filed its Motion to Dismiss the Amended Complaint for lack of subject matter jurisdiction and failure to state a claim (Dkt. 41) (the "Board's Motion to Dismiss").

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

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

8. This stipulation is made without waiver or concession by WMILT or the Board 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 16, 2014

/s/ Katherine H. Wheatley
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Attorneys for WMI Liquidating Trust

EXHIBIT B

[Proposed Order]

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

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Re Dkt. No. 41

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 BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM'S MOTION TO DISMISS THE AMENDED COMPLAINT**

On September 5, 2014, the Board of Governors of the Federal Reserve System (the "Board") filed its Motion to Dismiss the Amended Complaint for lack of subject matter jurisdiction and failure to state a claim (Dkt. 41) (the "Board's Motion to Dismiss"). Upon consideration of the Stipulation between plaintiff WMI Liquidating Trust ("WMILT") and defendant Board, dated September 16, 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 the Board's Motion to Dismiss and the relief requested therein is extended through and including October 22, 2014.

ORDERED that the period in which the Board may file a reply, if any, in support of the Board'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