

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

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<i>In re</i>	:	Chapter 11
	:	
WASHINGTON MUTUAL, INC., et al. <sup>1</sup>	:	Case No. 08-12229 (MFW)
	:	
Debtors.	:	Jointly Administered
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WASHINGTON MUTUAL, INC. AND	:	
WMI INVESTMENT CORP.,	:	
	:	Adv. Proc. No. 09-50934
Plaintiffs,	:	
	:	
v.	:	<b>Oral Argument Requested</b>
	:	
JPMORGAN CHASE BANK, NATIONAL	:	
ASSOCIATION,	:	
	:	
Defendant.	:	<b>Re: Docket No. 35</b>
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**PLAINTIFFS’ LIMITED OBJECTION TO JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION’S NOTICE OF COMPLETION OF BRIEFING**

1. Washington Mutual, Inc. and WMI Investment Corp. (collectively, “Plaintiffs”) oppose JPMorgan Chase Bank, National Association’s (“JPMC”) request that this Court schedule oral argument on the merits of JPMC’s Motion to Dismiss WMI’s Adversary Complaint (“Motion to Dismiss”)(Docket No. 9) on June 24, 2009.

2. The Court has before it JPMC’s Motion to Dismiss, WMI’s Motion for Summary Judgment (Docket No. 14), and the Expedited Motion of Defendant JPMorgan Chase Bank, National Association for Additional Time to Respond to Debtors’ Summary Judgment Motion

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<sup>1</sup> The Debtors in these Chapter 11 cases and the last four digits of each Debtor’s federal tax identification numbers are: (i) Washington Mutual, Inc. (3725); and (ii) WMI Investment Corp. (5395).

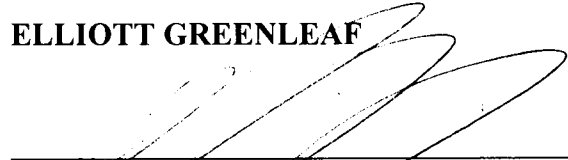
("Motion to Extend")(Docket No. 21). Plaintiffs demonstrate in their Motion for Summary Judgment that JPMC has no defense on the merits for its decision to retain Plaintiffs' deposits, and that JPMC's arguments in its Motion to Dismiss rest on an utterly contrived and baseless claim that those funds are somehow in dispute. In its Motion to Extend, JPMC requested that it not be required to submit its opposition to Plaintiffs' Motion for Summary Judgment until after the Court resolves the Motion to Dismiss. The Court initially granted that request, but did so prior to receiving Plaintiffs' Opposition. Plaintiffs therefore filed a Motion for Reconsideration in which they attached their Opposition to the Motion to Extend and argued that, since the issues in the Motion to Dismiss and the Motion for Summary Judgment are nearly identical (*i.e.*, both motions turn on whether there is a genuine dispute as to ownership of Plaintiffs' deposits), both should be fully briefed and considered by the Court simultaneously.

3. On June 3, 2009, the Court issued an Order scheduling argument on the Motion for Reconsideration for June 24, 2009. Thus, as things stand, the Court has yet to hear argument on whether the Motion to Dismiss can be considered separately from, and prior to full briefing on, the Motion for Summary Judgment. JPMC is thus asking that the Court hear argument on an issue that is simply not ready for consideration. Indeed, it would be premature, and inconsistent with the June 3 Order, for the Court to entertain argument on the merits of the Motion to Dismiss, since the Court has already decided it will instead hear argument on the threshold question of whether that Motion is even subject to resolution prior to consideration of, and full briefing on, the Motion for Summary Judgment.

WHEREFORE, Plaintiffs respectfully request that the Court refrain from hearing argument on JPMC's Motion to Dismiss and, as set forth in its Order of June 3, 2009, proceed with argument on the Motion for Reconsideration at the hearing on June 24, 2009.

Dated: June 12, 2009  
Wilmington, Delaware

**ELLIOTT GREENLEAF**



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