

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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: **In re:** : Chapter 11
: :
: **WASHINGTON MUTUAL, INC., et al.,¹** : Case No. 08-12229 (MFW)
: :
: **Debtors.** : (Jointly Administered)
: :
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: **JPMORGAN CHASE BANK** :
: **NATIONAL ASSOCIATION,** : Adv. Pro. No. 09-50551 (MFW)
: :
: **Plaintiff,** :
: :
: **v.** :
: :
: **WASHINGTON MUTUAL, INC. AND** : *Re: 65 & 25*
: **WMI INVESTMENT CORP.** :
: :
: **Defendant for all claims** :
: :
: **-and-** :
: :
: **FEDERAL DEPOSIT INSURANCE** :
: **CORPORATION,** :
: :
: **Additional Defendant** :
: **for Interpleader claim** :
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ORDER DENYING MOTION OF FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER, TO STAY ADVERSARY PROCEEDING

Upon the motion, dated June 1, 2009 (the "Motion") [Docket No. 25], of defendant Federal Deposit Insurance Corporation, as Receiver for Washington Mutual Bank (the "FDIC-Receiver") for an order staying the above-captioned adversary proceeding pending

¹ 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 Debtors' principal offices are located at 1301 Second Avenue, Seattle, Washington 98101.

entry of judgment in an action pending in the United States District Court for the District of Columbia, styled Washington Mutual, Inc. and WMI Investment Corp. v. Federal Deposit Insurance Corporation, Case 09-cv-00533 (RMC), all as more fully set forth in the Motion and the memorandum of law filed in support of the Motion [Docket No. 26]; and defendant JPMorgan Chase Bank, N.A. (“JPMC”) having filed a response in support of the Motion [Docket No. 38]; and the Debtors having filed an opposition to the Motion on June 15, 2009 (the “Opposition”) [Docket No. 36]; and a joinder in the Opposition having been filed by the Official Committee of Unsecured Creditors on June 15, 2009 (the “Joinder”) [Docket No. 37]; and the Court having jurisdiction to consider the Motion, the Opposition, the Joinder and all related filings in connection with the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409 to consider the Motion; and due and proper notice of the Motion, the Opposition, and the Joinder having been provided, and it appearing that no other or further notice need be provided; and a hearing having been held before the Court with respect to the Motion, the Opposition, the Joinder, and related filings on June 24, 2009 (the “Hearing”); and upon the record of the Hearing and for the reasons set forth on the record of the Hearing, it is hereby

ORDERED that the Motion and the relief requested therein is denied.

Dated: Wilmington, Delaware

July 6, 2009



THE HONORABLE MARY F. WALRATH
UNITED STATES BANKRUPTCY JUDGE