

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

	X	
	:	Chapter 11
In re	:	
	:	Case 08-12229 (MFW)
WASHINGTON MUTUAL, INC., <u>et al.</u> ,	:	
	:	
Debtors.	:	Jointly Administered
	X	
	:	
Black Horse Capital LP, <u>et al.</u> ,	:	
	:	
Plaintiffs,	:	
v.	:	
	:	Adversary Proceeding
JPMorgan Chase Bank, N.A., <u>et al.</u> ,	:	No. 10-51387 (MFW)
	:	
Defendants.	:	
	X	

JOINT PRETRIAL MEMORANDUM PURSUANT TO LOCAL RULE 7016-2(d)

Plaintiffs Black Horse Capital LP, Black Horse Capital Master Fund Ltd., Black Horse Capital (QP) LP, Greywolf Capital Partners II, Greywolf Overseas Fund, Guggenheim Portfolio Company VII, LLC, HFR RVA Combined Master Trust, IAM Mini-Fund 14 Limited, LMA SPC for and on behalf of the MAP 89 Segregated Portfolio, Lonestar Partners LP, Mariner LDC, Nisswa Convertibles Master Fund Ltd., Nisswa Fixed Income Master Fund Ltd., Nisswa Master Fund Ltd., Paige Opportunity Partners LP, Paige Opportunity Partners Master Fund, Pandora Select Partners, LP, Pines Edge Value Investors Ltd, Riva Ridge Capital Management LP, Riva Ridge Master Fund, Ltd., Scoggin Capital Management II LLC, Scoggin International Fund Ltd., Scoggin Worldwide Fund Ltd., Visium Global Fund, Ltd., VR Global Partners, L.P., Whitebox Asymmetric Partners LP, Whitebox Combined Partners, LP, Whitebox Convertible

Arbitrage Partners, LP, Whitebox Hedged High Yield Partners, LP and Whitebox Special Opportunities LP, Series B, (collectively, the “Plaintiffs”) and defendants Washington Mutual, Inc. (“WMI”) and JPMorgan Chase Bank, National Association (“JPMC”, together with WMI, the “Defendants” and with Plaintiffs, the “Parties”), by and through undersigned counsel, hereby submit the Joint Pretrial Memorandum (the “Joint Pretrial Memorandum”) pursuant to Rule 7016-2(d) of the Local Rules of Bankruptcy Practice and procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”). The Parties reserve the right to supplement the Joint Pretrial Memorandum. In support of this Joint Pretrial Memorandum, the Parties respectfully represent as follows:

STATEMENT OF THE NATURE OF THE ACTION

1. The Plaintiffs in the above-captioned adversary proceeding (the “Adversary Proceeding”) filed the *Complaint For Declaratory And Other Relief* (the “Complaint”) on July 7, 2010 related to the chapter 11 cases of WMI and affiliated debtors in possession (together with WMI, the “Debtors”). [D.I. 1].
2. Plaintiffs, in their complaint in this Adversary Proceeding, seek to establish that title to certain trust preferred securities (“Trust Preferred Securities”) (as well as all rights, claims and entitlements thereto) rests with the Plaintiffs.
3. Pursuant to the Scheduling Order governing the Adversary Proceeding (the “Scheduling Order”) [D.I. 53], Counts I, II, IV-VI of the Complaint shall be adjudicated in conjunction with the hearing to consider confirmation (the “Confirmation Hearing”) of WMI’s plan of liquidation (the “Plan”). Counts VII-IX are stayed until 30 days after entry of a final order confirming the Plan (to the extent they remain) or a

denial of confirmation of the Plan, including any appeal (the “Confirmation Order”).

The Plaintiffs have withdrawn Count III.

4. Defendant WMI filed its answer and counterclaim (respectively, “WMI Answer” and “WMI Counterclaim”) on September 14, 2010. [D.I. 60]. Defendants contend that Plaintiffs have no right, title or interest in the Trust Preferred Securities due to the occurrence of a Conditional Exchange effective at 8:00 am Eastern time on September 26, 2008, and Plaintiffs’ rights, if any, are as holders of preferred equity interests in WMI.

5. Defendant JPMC filed its answer to the Complaint (the “JPMC Answer”) on September 14, 2010. [D.I. 61].

6. Plaintiffs filed a joint answer to the WMI Counterclaim on October 5, 2010. [D.I. 73].

7. On November 2, 2010, Defendants WMI and JPMC moved for partial summary judgment on Counts I-VI (together, the “Defendants’ Motions”). [D.I. 105, 109].

8. On November 15, 2010, the Parties exchanged expert reports pursuant to Paragraph 13 of the Scheduling Order.

9. On November 16, 2010, Plaintiffs moved for partial summary judgment on Counts I and II of the Complaint and opposed the Defendants’ Motions for partial summary judgment (the “Plaintiffs’ Cross-Motion”).

10. On November 22, 2010, Defendants filed a Joint Reply in Support of their Motions for Summary Judgment and Opposition to Plaintiffs’ Cross-Motion.

11. On November 24, 2010, Plaintiffs will file their Reply in Support of Plaintiffs' Cross-Motion.

BASIS OF JURISDICTION

12. The Plaintiffs assert that this Court has jurisdiction over this Adversary Proceeding pursuant to 28 U.S.C. §§ 157, 1334, 2201, and 2202, and Rule 7001 of the Federal Rules of Bankruptcy Procedure ("FRBP"), subject to the objections preserved by JPMC. WMI and JPMC dispute whether this Court has jurisdiction over Count IV for reasons stated in Defendants' Motions.

13. Venue is proper in this Court pursuant to 28 U.S.C. § 1409.

STATEMENT OF UNCONTESTED FACTS

Parties

14. Plaintiff Black Horse Capital, LP is an investment management firm with its principal place of business at 338 S. Sharon Amity Rd., #202, Charlotte, NC 28211.

15. Plaintiff Black Horse Capital Master Fund Ltd. is an investment fund with its principal place of business at c/o M&C Corporate Services Limited, P.O. Box 309GT, Ugland House, South Church Street, George Town, Grand Cayman, Cayman Islands.

16. Plaintiff Black Horse Capital (QP) LP is an investment fund with its principal place of business at 338 S. Sharon Amity Rd., #202, Charlotte, NC 28211.

17. Plaintiff Greywolf Capital Partners II is an investment management firm with its principal place of business at 4 Manhattanville Road, Suite 201, Purchase, NY 10577.

18. Plaintiff Greywolf Overseas Fund is a Cayman Islands exempted company, with registered offices at 89 Nexus Way, c/o Ogier Fiduciary Services (Cayman) Limited, Camana Bay, Grand Cayman, Cayman Islands KY1-9007. Its investment manager, Greywolf Capital Management LP, is located at 4 Manhattanville Road, Suite 201, Purchase, NY 10577.

19. Plaintiff Guggenheim Portfolio Company VII, LLC is an investment fund with its principal place of business at 660 Madison Avenue, 20th floor, New York, NY 10021.

20. Plaintiff HFR RVA Combined Master Trust is an investment trust with its principal place of business at 3033 Excelsior Boulevard, Suite 300, Minneapolis, MN 55416.

21. Plaintiff IAM Mini-Fund 14 Limited is an investment fund with its principal place of business at 3033 Excelsior Boulevard, Suite 300, Minneapolis, MN 55416.

22. Plaintiff LMA SPC for and on behalf of the MAP 89 Segregated Portfolio is an investment fund with its principal place of business at the offices of Pine River Capital Management L.P., 601 Carlson Parkway, Suite 330, Minnetonka, MN 55305.

23. Plaintiff Lonestar Partners LP is an investment management firm with its principal place of business at One Maritime Plaza, Suite 1125, San Francisco, CA 94111.

24. Plaintiff Mariner LDC is an investment fund with its principal place of business at the offices of Riva Ridge Capital Management LP, 55 5th Avenue, 18th floor, New York, NY 10003.

25. Plaintiff Nisswa Convertibles Master Fund Ltd. is an investment fund with its principal place of business at the offices of Pine River Capital Management L.P., 601 Carlson Parkway, Suite 330, Minnetonka, MN 55305.

26. Plaintiff Nisswa Fixed Income Master Fund Ltd. is an investment fund with its principal place of business at the offices of Pine River Capital Management L.P., 601 Carlson Parkway, Suite 330, Minnetonka, MN 55305.

27. Plaintiff Nisswa Master Fund Ltd., is an investment fund with its principal place of business at the offices of Pine River Capital Management L.P., 601 Carlson Parkway, Suite 330, Minnetonka, MN 55305.

28. Plaintiff Paige Opportunity Partners LP is an investment management firm with its principal place of business at 630 3rd Avenue, 6th floor, New York, NY 10017.

29. Plaintiff Paige Opportunity Partners Master Fund is an investment fund with its principal place of business at 630 3rd Avenue, 6th floor, New York, NY 10017.

30. Plaintiff Pandora Select Partners, LP is an investment management firm with its principal place of business at 3033 Excelsior Boulevard, Suite 300, Minneapolis, MN 55416.

31. Plaintiff Pines Edge Value Investors Ltd. is an investment management firm with its principal place of business at the offices of Pine River Capital Management L.P., 601 Carlson Parkway, Suite 330, Minnetonka, MN 55305.

32. Plaintiff Riva Ridge Capital Management LP is an investment management firm with its principal place of business at 55 5th Avenue, 18th floor, New York, NY 10003.

33. Plaintiff Riva Ridge Master Fund, Ltd. is an investment fund with its principal place of business at the offices of Riva Ridge Capital Management LP, 55 5th Avenue, 18th floor, New York, NY 10003.

34. Plaintiff Scoggin Capital Management II LLC is an investment management firm with its principal place of business at 660 Madison Avenue, 20th floor, New York, NY 10021.

35. Plaintiff Scoggin International Fund Ltd. is an investment fund with its principal place of business at 660 Madison Avenue, 20th floor, New York, NY 10021.

36. Plaintiff Scoggin Worldwide Fund Ltd. is an investment fund with its principal place of business at 660 Madison Avenue, 20th floor, New York, NY 10021.

37. Plaintiff Visium Global Master Fund, Ltd. is an investment fund with its principal place of business at 950 Third Avenue, 29th floor, New York, NY 10022.

38. Plaintiff VR Global Partners, L.P., is an investment management firm with its principal place of business at the offices of Admiral Administration Ltd., Admiral Financial Center, 5th floor, 90 Fort Street, P.O. Box 32021 SMB, George Town, Grand Cayman, KY1-1208, Cayman Islands.

39. Plaintiff Whitebox Asymmetric Partners LP, is an investment fund with its principal place of business at 3033 Excelsior Boulevard, Suite 300, Minneapolis, MN 55416.

40. Plaintiff Whitebox Combined Partners, LP is an investment fund with its principal place of business at 3033 Excelsior Boulevard, Suite 300, Minneapolis, MN 55416.

41. Plaintiff Whitebox Convertible Arbitrage Partners, LP is an investment fund with its principal place of business at 3033 Excelsior Boulevard, Suite 300, Minneapolis, MN 55416.

42. Plaintiff Whitebox Hedged High Yield Partners, LP is an investment fund with its principal place of business at 3033 Excelsior Boulevard, Suite 300, Minneapolis, MN 55416.

43. Plaintiff Whitebox Special Opportunities Fund LP, Series B is an investment fund with its principal place of business at 3033 Excelsior Boulevard, Suite 300, Minneapolis, MN 55416.

44. Because, *inter alia*, Plaintiffs reject and object to the Plan, and dispute JPMC's ownership of the Trust Preferred Securities, Plaintiffs do not meet the definition of Releasing REIT Trust Holder (as set forth in the Plan).

45. JPMC is a national banking association organized under the laws of the United States with its principal place of business in Columbus, Ohio. JPMC is a wholly-owned subsidiary of JPMorgan Chase & Co., a Delaware corporation. JPMC acquired substantially all of the assets of Washington Mutual Bank ("WMB") from the Federal Deposit Insurance Corporation ("FDIC") as receiver for WMB, pursuant to the terms of a Purchase and Assumption Agreement dated September 25, 2008 (the "P&A Agreement").

46. WMI is a holding company incorporated in the state of Washington with its principal place of business at 925 Fourth Avenue, Suite 2500, Seattle, WA 98104. Prior to the seizure of WMB by the Office of Thrift Supervision ("OTS"), and the OTS's appointment of the FDIC as receiver for WMB, WMI was the savings and loan

association holding company that owned WMB and indirectly owned WMB's subsidiaries.

47. Washington Mutual Preferred Funding, LLC ("WMPF") is a Delaware limited liability company with a principal place of business at 1301 Second Ave., Seattle, WA 98101. WMPF's registered agent is the Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801.

48. The Official Committee of Unsecured Creditors of the Debtors moved to intervene as a defendant in the Adversary Proceeding on September 16, 2010. [D.I. 63]. The Court granted that motion to intervene on November 23, 2010.

The Trust Preferred Securities

49. The Trust Preferred Securities were issued between March 2006 and October 2007 in a series of five similarly-structured, but separate, issuances comprising, in the aggregate, \$4 billion in face amount. Specifically, the Trust Preferred Securities were offered pursuant to offering circulars titled:

- a. Washington Mutual Preferred Funding (Cayman) I Ltd. 7.25% Perpetual Non-Cumulative Preferred Securities Automatically Exchangeable in Specified Circumstances into Depositary Shares representing Preferred Stock of Washington Mutual, Inc. (the "WaMu Cayman TPS"), a copy of which has been marked as a trial Exhibit;
- b. Washington Mutual Preferred Funding Trust I Fixed-to-Floating Rate Perpetual Non-Cumulative Trust Securities Automatically Exchangeable in Specified Circumstances into Depositary Shares representing Preferred Stock of Washington Mutual, Inc. (the "WaMu Delaware I TPS"), a copy of which has been marked as a trial Exhibit;
- c. Washington Mutual Preferred Funding Trust II Fixed-to-Floating Rate Perpetual Non-Cumulative Trust Securities Automatically Exchangeable in Specified Circumstances into Depositary Shares representing Preferred Stock of Washington Mutual, Inc., (the "WaMu Delaware II TPS"), a copy of which has been marked as a trial Exhibit;

- d. Washington Mutual Preferred Funding Trust III Fixed-to-Floating Rate Perpetual Non-Cumulative Trust Securities Automatically Exchangeable in Specified Circumstances into Depositary Shares representing Preferred Stock of Washington Mutual, Inc. (the “WaMu Delaware III TPS”), a copy of which has been marked as a trial Exhibit; and
- e. Washington Mutual Preferred Funding Trust IV Fixed-to-Floating Rate Perpetual Non-Cumulative Trust Securities Automatically Exchangeable in Specified Circumstances into Depositary Shares representing Preferred Stock of Washington Mutual, Inc. (the “WaMu Delaware IV TPS”), a copy of which has been marked as a trial Exhibit.

50. Each series of the Trust Preferred Securities was evidenced by global certificates. Upon issuance, the global certificates were deposited with a registrar as custodian for The Depositary Trust Company (the “DTC”). DTC is a limited purpose trust company created to hold securities for its participating organizations. The Trust Preferred Securities were registered in the name of Cede & Company, DTC’s nominee.

51. The following documents, among others, were prepared in connection with each issuance of Trust Preferred Securities: four Trust Agreements and the Articles of Association of a Cayman Islands limited corporation, Exchange Agreements, Depositary Agreements, and Purchase Agreements, copies of which have been marked as trial Exhibits.

52. Each series of the Trust Preferred Securities included a “Conditional Exchange” feature providing for automatic exchange into depositary shares representing preferred shares of WMI upon the occurrence of certain events. The parties dispute the events necessary for the Conditional Exchange to be effective.

The Conditional Exchange

53. On September 7, 2008, WMB and the OTS entered into a Memorandum of Understanding (“MOU”). The MOU, among other things, restricted WMB’s payment of dividends. A copy of the MOU has been marked as a trial Exhibit.

54. The OTS concluded an Exchange Event had occurred and directed the Conditional Exchange on September 25, 2008. A copy of the OTS notice to WMI that it had declared an Exchange Event and directing the Conditional Exchange has been marked as a trial Exhibit.

55. On September 25, 2008, WMI stated to the OTS that the Conditional Exchange would occur at 8:00 am Eastern time on September 26, 2008. A copy of WMI’s letter to the OTS has been marked as a trial Exhibit.

56. On September 25, 2008, WMB was placed into receivership and the FDIC was appointed as receiver.

57. On September 25, 2008, the FDIC sold substantially all of WMB’s assets to JPMC, and JPMC assumed certain of WMB’s liabilities, pursuant to the P&A Agreement. The FDIC solicited bids to acquire the assets and certain liabilities of WMB. JPMC was the only bidder that submitted a bid that conformed to the FDIC’s guidelines and did not require government assistance. A copy of JPMC’s bid has been marked as a trial Exhibit.

58. At approximately 7:45 a.m. (Eastern) on September 26, 2008, WMI issued a press release announcing that an Exchange Event had occurred. A copy of the press release has been marked as a trial Exhibit.

59. On September 26, 2008, WMI filed its voluntary petition for bankruptcy pursuant to chapter 11 of the Bankruptcy Code.

STATEMENT OF LEGAL ISSUES PRESENTED AND FACTS IN DISPUTE

In light of the Court's request with respect to this Joint Pre-trial Statement, the Parties refer to their respective summary judgment filings for the legal issues presented and the facts in dispute.

RELIEF SOUGHT

Plaintiffs' Requests for Relief:

The Plaintiffs assert they are entitled to an order of declaratory judgment declaring that:

- a. The Conditional Exchange was never consummated.
- b. The Conditional Exchange cannot now be consummated pursuant to Section 365(c)(2) of the Bankruptcy Code.
- c. WMI and JPMC cannot rely on the OTS declaration of an Exchange Event because the OTS did not act pursuant to statutory authority and it was complicit in fraudulent conduct.
- d. WMI, as a result of its inequitable conduct in connection with the issuances of the Trust Preferred Securities, has unclean hands with respect to the Trust Securities.
- e. WMI is ineligible for equitable relief necessary to consummate the purported Conditional Exchange or any other transfer of the Trust Preferred Securities.
- f. WMI has no right, title or interest in the Trust Preferred Securities.
- g. JPMC had knowledge of the fraudulent conduct of WMI in the issuance and sale of the Trust Preferred Securities prior to the Conditional Exchange. This Court should not shelter JPMC, who has acted with knowledge of fraudulent misrepresentations in relation to the Conditional Exchange, by authorizing an illegal post-petition effectuation of the Conditional Exchange.
- h. JPMC has no right, title or interest in the Trust Securities.

- i. The Trust Securities and any claim thereto, do not constitute property of the estate under 11 U.S.C. § 541.
- j. The failure of the purported Conditional Exchange, all right, title and interest in the Trust Securities remains with investors who held such securities immediately prior to 8:00 a.m. (Eastern) on September 26, 2008, or to any party to whom such parties subsequently transferred such Trust Securities, other than in connection with the purported Conditional Exchange.

Defendants' Requests for Relief:

Defendants respectfully request that the Court enter an order adjudicating and declaring that:

- a. Plaintiffs own Depositary Shares representing preferred stock of WMI;
- b. Plaintiffs do not own Trust Preferred Securities and have no legal, beneficial, equitable or any other interest in any Trust Preferred Securities;
- c. The Conditional Exchange occurred at 8:00 a.m. on September 26, 2008;
- d. Pursuant to the governing agreements, all Trust Securities were, as of 8:00 a.m. Eastern Time on September 26, 2008, automatically exchanged into Depositary Shares representing preferred stock of WMI; and
- e. Defendants shall be granted all relief requested in the Plan, including the releases and injunctions included therein.

WITNESSES

Plaintiffs' Witnesses:

1. Jack Williams. Mr. Williams is the Senior Managing Director at Mesirow Financial Consulting, LLC. Plaintiffs retained Mesirow Financial Consulting, LLC and Mr. Williams as an expert witness. Mesirow Financial Consulting, LLC's compensation

is not contingent in any way upon the outcome of this Adversary Proceeding. Consistent with the report served upon Defendants, Mr. Williams will testify regarding:

- a. The nature of the Perpetual Non-Cumulative Preferred Securities and the related agreements.
- b. The Exchange Events that triggered the purported Conditional Exchange.
- c. The steps necessary to effectuate the Conditional Exchange and whether those conditions were met and the contractual steps were taken.

2. Hal Scott. Mr. Scott is an expert witness retained by Plaintiffs. He is the Nomura Professor and Director of the Program on International Financial Systems at Harvard Law School. Mr. Scott is independent of the parties to the litigation and has no interest in the outcome. Consistent with the report served upon Defendants, Mr. Scott will testify regarding:

- a. The structure of, and regulatory context for, the issuance of Fixed to Floating Rate Perpetual Non-cumulative Trust Securities.
- b. The substance of the Conditional Exchange of these securities for Perpetual Non-cumulative Fixed-to-Floating Rate Preferred Stock authorized by WMI.
- c. The inaccuracies and insufficiency of WMI's prior disclosures and representations to investors relating to the mechanics of the exchange, specifically with respect to the downstreaming of the value embedded in the Trust Securities from WMI to its thrift subsidiary, WMB.

3. Joseph Bernard Feil or other designee of Wilmington Trust Company.

(By deposition testimony). Mr. Feil is Vice President and Relationship Manager of Wilmington Trust Company. Mr. Feil handles the administration of the Washington Mutual Preferred Securities accounts and filed a Proof of Claim on behalf of the holders. Mr. Feil or other designee of Wilmington Trust Company testified at deposition regarding the nonoccurrence of events required for the transfer of the Trust Securities.

4. Mike Renoff. Mr. Renoff, of Scoggin Capital, is a representative of the Plaintiffs. Mr. Renoff is expected to testify regarding his firm's ownership of the Trust Securities.

5. Franklin Parlamis. Mr. Parlamis, of Pine River Capital, is a representative of the Plaintiffs. Mr. Parlamis is expected to testify regarding his firm's ownership of the Trust Securities.

6. David Thompson. Mr. Thomson, of VR Capital, is a representative of the Plaintiffs. Mr. Thompson is expected to testify regarding his firm's ownership of the Trust Securities.

7. Pete Finelli. Mr. Finelli, of Riva Ridge Capital, is a representative of the Plaintiffs. Mr. Finelli is expected to testify regarding his firm's ownership of the Trust Securities.

8. Joe McInnis. Mr. McInnis, of Grey Wolf Capital, is a representative of the Plaintiffs. Mr. McInnis is expected to testify regarding his firm's ownership of the Trust Securities.

9. Plaintiffs anticipate introducing evidence of their ownership interest in the relevant securities through affidavit. Plaintiffs will make the affiants available for cross-examination on the evidence submitted therein.

10. Christopher James (for cross examination). Plaintiffs expect to cross examine Mr. James, who has been designated by the Defendants as an expert witness.

11. Allen Ferrell (for cross examination). Plaintiffs expect to cross examine Mr. Ferrell, who has been designated by the Defendants as an expert witness

12. Peter Freilinger (for cross examination). Plaintiffs expect to cross examine Mr. Freilinger, who has been designated by the Defendants as a witness.

13. Charles Smith (live or by deposition).

14. Plaintiffs anticipate cross-examining any witness called by Defendants.

15. Plaintiffs reserve the right to call witnesses, as may be required, to establish the foundation and authenticity for any exhibit whose admission is challenged by Defendants.

Defendants' Witnesses:

1. Peter Freilinger. Mr. Freilinger, formerly of Washington Mutual, is expected to testify concerning the background, structure and issuance of the Trust Securities.

2. Charles Smith. Mr. Smith, WMI's General Counsel, is expected to testify concerning the declaration of an Exchange Event by the OTS, the Conditional Exchange of the Trust Securities, and the circumstances of WMI's assignment of the Trust Securities to WMB.

3. Professor Christopher James. Professor James is expected to testify about matters within the scope of his expert report and in rebuttal to Plaintiffs' expert testimony.

4. Professor Allen Ferrell. Professor Ferrell is expected to testify about matters within the scope of his expert report and in rebuttal to Plaintiffs' expert testimony.

5. Representatives of each of the Plaintiffs.

6. Defendants anticipate cross-examining any witness called by Plaintiffs.

7. Defendants reserve the right to call witnesses, as may be required, to establish the foundation and authenticity for any exhibit whose admission is challenged by Plaintiffs.

LIST OF EXHIBITS

The Plaintiffs' exhibit list is attached as Exhibit A. Defendants Exhibit List is attached as Exhibit B. The parties reserve until trial all objections to exhibits, but will endeavor to narrow any disputes as to exhibits.

LIST OF DISCOVERY ITEMS PROPOSED BY PARTIES
TO BE ENTERED INTO TRIAL¹

In light of the expedited and ongoing deposition schedule in this action, and consistent with the Court's direction at the hearing of November 23, 2010, the Parties submit these designations, counter-designations and objections while reserving the right to provide additional objections to designated testimony, respond to stated objections and provide additional designations and counter-designations.

A. Plaintiffs' Deposition Designations

1. Darrel William Dochow deposition of November 10, 2010:		
Plaintiffs' Designations	Objections (if any)	Counter-Designations
10:10-25:2		
25:6-30:10		
30:20-35:25		
		30:11-18
42:21-45:6		
47:6-22	(1) Calls for speculation; (2) No foundation (3) Relevance	
		50:9-17
53:24-55:16	Witness has no direct memory of any document which counsel is reading to him; no foundation.	
56:7-57:18		

¹ To the extent objections were properly interposed at the depositions, the parties reserve the right to supplement the objections to the submission of deposition testimony into evidence asserted herein and will meet and confer in advance of trial in an effort to resolve any such objections.

63:6-64:12	Witness has no direct memory of any document which counsel is reading to him; no foundation.	
65:20-66:19		
67:3-21		
71:23-72:19		
73:4-74:2		
74:8-14		
75:5-11	Foundation: the witness testifies that he has no recollection of the document and that it speaks for itself.	
76:21-77:12	(1) No foundation (2) Speculation: the witness is asked to speculate what another person meant in a document about which the witness has no memory	
79:25-80:23		
81:7-83:11		
83:9-11		
83:19-24	This is a question without a response from the witness.	
84:3-4	This is a response from the witness in which he says "I'll take your representation" (1) The statement has no evidentiary value. (2) The representation is incorrect.	
		85:11-22

86:8-87:11	Defendants object to 84:4-11 only: (1) No foundation. (2) Misleading in that it assume an approval was required.	
89:1-92:16		
98:9-100:5		
		101:3-102:13
		102:21-103:13
103:22-104:24	Defendants object to 104:21-24 only: an unanswered question.	
105:4-108:20	Defendants object to 108:7-16 only: (1) No foundation (2) Calls for speculation.	
108:23-109:2	(1) No foundation (2) Calls for speculation.	
113:17-115:6		
115:10-21		
118:25-119:18		
119:23-121:16		
122:5-21	Hearsay.	
123:24-124:15		
124:20-25		

2. John Robinson deposition of October 27, 2010:		
Plaintiffs' Designations	Objections (if any)	Counter-Designations
10:8-17:16		
		17:17-18:4
20:21-22:12		
		30:14-19
34:10-12		
34:15-39:15		
		39:16-41:14
57:21-58:3		
59:1-65:7		
64:5-65:7		
65:11-22	No foundation.	
66:13-67:2		
		67:6-16
67:19-68:5	Objection to line 68:5 only: appears to be a question fragment with no answer.	
68:15-20	The witness does not recall the document and is asked to interpret it.	
69:9-70:19		
71:3-21		
72:1-10		
72:16-21		
		73:11-18

73:19-74:4		
76:25-78:5		
		80:4-17
82:3-7 Withdrawn	This is a question that was not answered by the witness, a replaced question was posed later in the transcript.	
82:11-12		
82:15-16		
82:19-23		
82:25-83:3		
83:8-13		
84:10-11		
84:14-25	Objection to 84:21-25 only: (1) Leading (2) No foundation	
85:4-5	(1) Leading (2) No Foundation	
85:9-11	(1) Leading (2) No Foundation	
85:14-25	Leading.	
86:1-7	(1) Leading (2) Asked and answered	
86:10-13	Leading	
86:15-20	Objection to 86:15-17 only: leading.	
		86:23-87:13
87:14-18		

87:20-88:2		
88:5-7		
88:10-16		
88:19-21		
88:24-89:17		
94:8-15		
		97:11-16
98:25-99:16		
100:1-9		
101:16-23		
102:8-25		
103:1-6		
		103:11-15
103:17-25		
104:1-11		
		104:14-105:6
105:7-106:6		
107:6-9		
107:11-25		
108:1-8		
		152:18-153:14

3. Timothy Ward Deposition of November 8, 2010:		
Plaintiffs' Designations	Objections (if any)	Counter-Designations
8:8-17:25		

18:20-20:17		
21:1-22:17		
23:22-24:13		
26:12-30:19	Objection to 26:4-11 only: vagueness.	
32:19-33:3-11		
33:15-41:21		
42:18-44:21		
46:4-50:24	Objection to 47:23-49:4 only: misleading, assume incorrectly that OTS regulated thrift disclosures to investors.	
53:9-56:6		
58:6-62:13	Objection to 58:6-60:4 only: asks witness to testify about the intentions of an author of a document about which he has no firsthand knowledge.	
64:10-67:9	Objections to 66:19-67:9 only: (1) Leading (2) No foundation, asks for information not in the witness's first hand knowledge (3) Call for speculation	
67:20-70:25	Objections to 67:20-68:11 and 69:2-24: (1) Leading (2) No foundation, asks for information not in the witness's first hand knowledge (3) Call for speculation	

73:1-76:25	Objections to 73:1-73:11 only: (1) Leading (2) Calls for a legal conclusion	
77:5-6		
77:10-19		
78:4-82:11		
82:24-89:2		
95:25-98:25		
100:18-106:15		
107:4-111:18		
		111:19-112:11
112:17-114:24		
116:10-118:12		
		118:13-119:20
	Plaintiffs' objection to 123:21-124:9: Calls for speculation	120:21-125:3
		125:4-127:17 (only to be admitted if defendants' objections to 66:19-67:9, 67:20-68:11, and 69:2-24 are overruled)
		127:18-128:22

4. Joseph Feil deposition of November 16, 2010:		
Plaintiffs' Designations	Objections (if any)	Counter-Designations
5:15 – 6:9		

10:13 – 13:12		
17:15 –20:14		
21:18 – 22:8		
28:8 –48:14		
51:3 - 59:23		
60:20 - 61:23		
62:13 - 68:21		
		69:6 – 71:11
70:17-24		
		75:25 – 79:14
80:1– 91:12		
92:2 – 96:21		
	Plaintiffs’ objections to 105:8-106:18: Compound, lack of foundation	98:2 – 107:7
Plaintiffs additional designation— 107:13-108:2 108:9-108:22 109:6-110:1		

5. Todd Baker Deposition of October 21, 2010:		
Plaintiffs’ Designations	Objections (if any)	Counter-Designations
21:14 – 22:20		
23:9 – 28:5		
34:9-38:1		

		38:18-39:9
44:15-49:2		
		48:3-7
		48:15-17
50:13-52:20		

6. Peter Freilinger deposition of November 15, 2010:		
Plaintiffs' Designations	Objections (if any)	Counter-Designations
6:13-7:11		
		7:12 - 12:3
17:9-18:1		
18:11-40:10		
		40:11 - 41:21
46:4-46:23		
48:9-62:8		
	Plaintiffs' Objection: Question but no answer	64:5 - 64:7
64:8-65:9		
	Plaintiffs' Objection to 67:6-12: Defendants' designation is incomplete and excludes a portion of the answer	65:10 - 67:12
		68:25 - 69:20
		71:21 - 72:21
	Plaintiffs' Objections: Speculation, Defendants' designation is incomplete	127:6 - 128:3

	and excludes a portion of the answer	
128:4-130:23		
		136:6 -138:3
Plaintiffs' Additional Designation: 138:4-138:10		

7. Travis Epes deposition of November 12, 2010:		
Plaintiffs' Designations	Objections (if any)	Counter-Designations
7:11 - 10:18		
14:13 - 17:22		
15:21 – 18:13		
		21:3 – 21:23
		22:8 – 22:23
23:4-14		
24:12 – 30:23		
44:20 – 49:8		
	Plaintiffs' Objections: Non-responsive, Legal conclusion	49:9 – 49:18
		51:7 – 53:6
49:22 - 52:15		
53:7 - 54:6		
57:7-17		
61:16 – 64:5		

		64:6 – 65:9
66:22 - 70:17		
73:15 - 74:16		
74:22 - 75:13		
82:19 – 83:15		
84:2 - 86:10		
86:22 - 92:16		
		96:6 – 10
96:8 – 100:23		

B. Defendants' Deposition Designations

8. Black Horse Capital Management (Dale Chappell) deposition of November 11, 2010:		
Defendants' Designations	Objections (if any)	Counter-Designations
12:14-14:11		
16:14-17:19		
21:17-22:22		
26:6-27:3		
35:17-36:19		
44:20-46:17		
55:16-55:21		
58:24-59:20		
75:20-76:5		
79:22-80:7		

82:4-82:10		
88:19-89:6		
93:17-94:7		
97:19-99:13		
109:23-110:6		
121:14-121:25		
123:4-124:14		
125:25-130:8		
132:12-133:2		
146:2-148:19		
152:3-155.8		

9. Visium Asset Management (Philip Broenniman) deposition of November 12, 2010:		
Defendants' Designations	Objections (if any)	Counter-Designations
25:15-27:7		
28:19-31:21		
36:18-37:14		
39:14-41:8		
50:20-51:11		
57:8-20		
60:6-64:24		
71:5-12		
72:10-73:20		
76:2-77:18		

83:14-95:14		
106:8-109:12		
113:22-114:6		
116:24-117:3		
118:18-119:7		
121:24-123:8		
139:18-139:24		
141:24-142:12		
158:4-19		
170:22-171:6		
171:21-172:7		
172:23-174:11		
179:11-181:11		
235:21-238:12		

10. Riva Ridge Capital (Peter Finelli) deposition of November 12, 2010:		
Defendants' Designations	Objections (if any)	Counter-Designations
5:14-18		
6:9-11		
7:6 – 8:15		
9:17-23		
10:10 – 11:10		
12:14-23		
14:23-10		
14:16 – 16:4		

17: 15-19		
18: 4-20		
19:24 – 22:9		
24:14 -28:10		
28:21 – 33:3		
33:18 - 34:12		
35:14-17		
36:17-20		
37:7 - 39:11		
42:14 – 44:20		
49:11-19		
51:5 – 52:3		
54:20 – 56:22		
57:9 – 62:7		
62:25 – 63:21		
64:15 – 68:15		
69:2 -70:5		
70:11-23		
72:12 – 76:3		
76:19 – 77:16		
79:6-9		
80:25 – 81:20		
82:4 – 84:25		
86:25 – 89:20		

92:16 -93:18		
98:24 – 99:8		
102:6 - 104:5		
106:12-22		
107:8-22		
109:4 – 110:10		
113:23-114:15		
116:22 – 119:14		
125:17 – 126:19		
130:25 -132:9		

11. VR Capital (David Thompson) deposition of November 16, 2010:		
Defendants' Designations	Objections (if any)	Counter-Designations
4:10-24		
14:9-16:6		
19:6-20:23		
22:2-24:6		
30:11-19		
33:18-25		
38:22-39:15		
58:5-59:5		
88:12-89:15		
95:2-97:4		
97:25-100:25		

106:5-112:9		
113:14-116:18		
121:7-122:16		
125:6-126:18		
127:19-128:16		
129:3-130:15		
132:22-136:18		
145:24-150:8		
152:23-155:7		
162:18-163:6		
169:11-170:8		
171:23-175:22		

12. Greywolf Capital (Joseph McInnis) deposition of November 18, 2010:		
Defendants' Designations	Objections (if any)	Counter-Designations
31:22-32:13		
35:2-37:2		
48:23-52:11		
57:3-59:5		
67:5-70:21		
71:19-73:23		
77:9-79:5		
85:6-20		
90:3-13		
93:17-94:9		

99:3-100:5		
110:18-112:15		
119:8-23		
123:23-125:5		
134:8-137:10		
139:8-140:17		
143:5-8		
144:6-146:25		
147:22-148:11		
150:6-151:23		
154:11-155:11		

13. Paige Funds (Chris Paige) deposition of November 19, 2010:		
Defendants' Designations	Objections (if any)	Counter-Designations
13:4-14:3		
16:7-18:4		
21:3-22:15		
24:22-26:13		
31:8-37:13		
39:22-42:13		
44:22-45:3		
50:17-51:22		
54:12-57:2		
59:3-61:19		

62:16-64:15		
70:13-72:11		
74:6-74:12		
75:5-75:15		
75:18-76:23		
80:7-80:23		
83:25-84:24		
85:8-86:9		
87:14-87:22		
96:6-96:23		

14. Pine River Capital Management (Franklin Parlamis) deposition of November 21, 2010:		
Defendants' Designations	Objections (if any)	Counter-Designations
4:10-17		
5:15-17		
7:6-18		
8:5-19		
9:21-25		
10:2-16		
10:25-11:11		
16:11-18:8		
20:16-20		
21:8-21		
23:7-25		

24:2-10		
24:19-25		
25:2-15		
26:4-14		
27:13-25		
28:2-11		
29:2-24		
30:2-20		
31:23-32:12		
32:22-34:15		
36:7-37:12		
40:6-42:4		
45:17-46:2		
47:8-13		
52:10-53:3		
56:2-7		
56:12-24		
58:8-60:2		
61:20-25		
64:17-65:25		
66:23-67:5		
73:7-74:8		
74:16-21		
77:11-17		

77:23-78:2		
79:9-80:12		
81:23-82:12		
82:24-83:17		
85:18-21		
86:2-25		
87:17-88:10		
89:10-14		
89:20-92:17		
93:21-95:9		
95:19-97:7		
97:22-24		
101: 22-103:5		
111:5-22		
113:2-114:5		
115:7-24		
118:23-120:2		
122:16-123:18		
127:8-16		
133:8-135:14		
136:1-137:6		
138:2-23		
139:2-7		
145:14-146:17		

157:15-18		
158:2-7		
158:22-159:23		

C. Written Discovery Responses for Designation

1. Each Plaintiff's Responses and Objections to Defendants' First Set of Interrogatories, and supplements thereto.

2. WMI's First Supplemental General Objections and Responses to First Set of Requests for Admission.

- Response 1
- Response 2
- Response 3
- Response 4
- Response 5
- Response 6
- Response 7
- Response 8
- Response 9
- Response 10
- Response 11
- Response 13
- Response 14
- Response 16
- Response 17
- Response 19
- Response 20
- Response 22
- Response 23
- Response 24
- Response 25
- Response 27
- Response 28
- Response 29
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- Response 32
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- Response 127
- Response 128
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- Response 130
- Response 174
- Response 175
- Response 232
- Response 233

- Response 234
- Response 235
- Response 236
- Response 237
- Response 238
- Response 239
- Response 240
- Response 241
- Response 242
- Response 243
- Response 280
- Response 281
- Response 282
- Response 283

3. The Objections and Responses of JPMorgan Chase Bank, National Association to Plaintiffs' First Set of Interrogatories.

Respectfully submitted by all counsel

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1789088 v5 - 028943/0001

EXHIBIT A

EXHIBIT A

	Start Bates	Deposition Exhibit No.	Filing Exhibit No.	Docket No.	Description	Date	Stipulated as to Admissibility	Stipulated as to Authenticity
1.	WMIPC_500002048.00001	Frelinger 8; Feil P-4	JPM Answer B McIntosh 1A Scott 15		WaMu Delaware I Offering Circular	February 24, 2006		
2.	WMIPC_500002117.00001		JPM Answer C McIntosh 1C Scott 19		WaMu Delaware II Offering Circular	December 6, 2006		
3.	WMIPC_500002168.00001	Epes 7	JPM Answer D McIntosh 1D Scott 23		WaMu Delaware III Offering Circular	May 21, 2007		
4.	WMIPC_500002209.00001		JPM Answer E McIntosh 1E Scott 26		WaMu Delaware IV Offering Circular	October 18, 2007		
5.	WMIPC_500002044.00001	Robinson 13	JPM Answer A McIntosh 1B Scott 16		WaMu Cayman Offering Circular	February 24, 2006		
6.	WMIPC_500002025.00002	Robinson 10; Dochow 12; Frelinger 4	JPM Answer V McIntosh 5C Scott 13		Letter from John Robinson at WMB to Darrel Dochow at the OTS.	February 23, 2006		
7.	WMIPC_500002025.00003	Robinson 12; Ward 14; Dochow 13; Frelinger 5	JPM Answer W McIntosh 5D Scott 14		Letter from Darrel Dochow at the OTS to John Robinson at WMB.	February 24, 2006		
8.	WMIPC_500002022.00003	Robinson 14; Ward 18; Dochow 14	JPM Answer X McIntosh 5E Scott 17		Letter from John Robinson at WMB to Darrel Dochow at the OTS.	November 14, 2006		
9.	WMIPC_500002022.00006	Robinson 15; Dochow 19; Ward 15	JPM Answer Y McIntosh 5F Scott 18		Letter from Darrel Dochow at the OTS to John Robinson at WMB.	December 4, 2006		
10.	WMI-TPS 701360743	Robinson 16; Ward 20; Dochow 16	McIntosh 5G Coffey H Scott 20		Letter from John F. Robinson, Executive Vice President, WaMu Corporate Risk Management, to Darrel Dochow, Deputy Regional Director, West Region, Office of Thrift Supervision and No Objection Stamp dated February 24, 2007.	February 7, 2007		
11.	WMIPC_500002022.00007	Robinson 17; Ward 17; Dochow 21	JPM Answer Z McIntosh 5H Scott 24		Letter from John Robinson at WMB to Mr. Finn at the OTS.	August 17, 2007		

EXHIBIT A

12.	WMIPC_500002022.00011	Robinson 18; Ward 22; Dochow 18	JPM Answer AA McIntosh 5I Scott 25		Letter from Mr. Johnson at the OTS to John Robinson at WMB.	September 20, 2007		
13.			JPM Answer J		WMPF I and Cayman Purchase Agreement	February 24, 2006		
14.			JPM Answer K		WMPF II Purchase Agreement	December 6, 2006		
15.			JPM Answer L		WMPF III Purchase Agreement	May 21, 2007		
16.			JPM Answer M		WMPF IV Purchase Agreement	October 18, 2007		
17.			McIntosh 2A		Certificate No. 001 representing 5,000 Trust Securities of WaMu Delaware (Trust I), dated March 7, 2006 (first exhibit to affidavit)	March 7, 2006		
18.			McIntosh 2B		Certificate No. 002 representing 5,000 Trust Securities of WaMu Delaware (Trust I), dated March 7, 2006	March 7, 2006		
19.			McIntosh 2C		Certificate No. 003 representing 2,500 Trust Securities of WaMu Delaware (Trust I), dated March 7, 2006	March 7, 2006		
20.			McIntosh 2D		Certificate representing 3,023 Series A-I WaMu Cayman Preferred Securities, dated March 7, 2006	March 7, 2006		
21.			McIntosh 2E		Certificate representing 44,770 Series A-2 WaMu Cayman Preferred Securities, dated March 7, 2006	March 7, 2006		
22.			McIntosh 2F		Certificate representing 5,000 Trust Securities of WaMu Trust II, dated December 13, 2006	December 13, 2006		
23.			McIntosh 2G		Certificate representing 5,000 Trust Securities of WaMu Trust III, dated May 24, 2007	May 24, 2007		
24.			McIntosh 2H		Certificate No. 001, representing 5,000 Trust Securities of WaMu Trust IV, dated October 25, 2007	October 25, 2007		
25.			McIntosh 2I		Certificate No. 002, representing 5,000 Trust Securities of WaMu Trust IV, dated October 25, 2007	October 25, 2007		
26.	WMI-TPS_500002070.00001	Frelinger 10; Feil P-2	McIntosh 3A		Amended and Restated Trust Agreement of WaMu Trust I, dated March 7, 2006	March 7, 2006		

EXHIBIT A

27.	WMI-TPS_500002065.00001		McIntosh 3B		Restated Memorandum and Articles of Association of WaMu Preferred (Cayman) I, Ltd., dated March 7, 2006	March 7, 2006		
28.	WMI-TPS_500002131.00001		McIntosh 3C		Amended and Restated Trust Agreement of WaMu Trust II, dated December 13, 2006	December 13, 2006		
29.	WMI-TPS_500002179.00001		McIntosh 3D		Amended and Restated Trust Agreement of WaMu Trust III, dated May 24, 2007	May 24, 2007		
30.	WMI-TPS_500002221.00001		McIntosh 3E		Amended and Restated Trust Agreement of WaMu Trust IV, dated October 25, 2007	October 25, 2007		
31.	WMIPC_500002041.00001		JPM Answer F McIntosh 4A		WaMu I and Cayman, Exchange Agreement, dated March 7, 2006	March 7, 2006		
32.	WMIPC_500002121.00001		JPM Answer G McIntosh 4B		WaMu II Exchange Agreement, dated December 13, 2006	December 13, 2006		
33.	WMIPC_500002170.00001		JPM Answer H McIntosh 4C		WaMu III Exchange Agreement, dated May 24, 2007	May 24, 2007		
34.	WMIPC_500002212.0001		JPM Answer I McIntosh 4D		WaMu IV Exchange Agreement, dated October 25, 2007	October 25, 2007		
35.	WMI-TPS_500452144.00001		JPM Answer S McIntosh 7D		Purchase and Assumption Agreement, dated September 25, 2008	September 25, 2008		
36.	WMI-TPS_500002025.00005	Baker 3; Dochow 24 (attachment)	JPM Answer EE McIntosh 7B		Assignment Agreement between WMI and WMB, dated September 25, 2008	September 25, 2008		
37.	WMI-TPS_50002042.00001		Coffey K		Deposit Agreement dated March 7, 2006	March 7, 2006		
38.	WMI-TPS_50002122.00001		Coffey K		Deposit Agreement dated December 13, 2006	December 13, 2006		
39.	WMI-TPS_50002171.00001		Coffey K		Deposit Agreement dated May 24, 2007	May 24, 2007		
40.	WMI-TPS_50002213.00001		Coffey K		Deposit Agreement dated October 25, 2007	October 25, 2007		
OTHER DOCUMENTS								
41.			McIntosh 10A		Moody's Tool Kit: A Framework for Assessing Hybrid Securities (Dec. 1999)	December, 1999		

EXHIBIT A

42.	WMI-TPS_700819946.00001	Ward 5; Dochow 3.	McIntosh 9D Scott 1		Letter from John F. Downey, Exec. Dir., Supervision, OTS, re: Capital & Prompt Corrective Action Treatment of Minority Interests in Preferred Capital Corp. (Nov. 12, 1996)	November 12, 1996		
43.	n/a		Scott 2		Office of the Comptroller of Currency, Corporate Decision #97-109, Application of Franklin Bank to Establish an Operating Subsidiary	December 16, 1997		
44.			McIntosh 9A Scott 46		Bank for International Settlement, Release, Instruments Eligible for Inclusion in Tier 1 Capital, dated October 27, 1998	October 27, 1998		
45.	n/a		Scott 3 Williams		Office of the Comptroller of Currency, Interpretive Letter #894, October 2000, 12 CFR 3	March 10, 2000		
46.		Ward 16	McIntosh 9E Scott 4		OTS, Regulatory Bulletin 32-31 (Nov. 2003) [Handbook]	November, 2003		
47.	FDIC-EM_00102516	Robinson 19			Letter dated January 13, 2004, from Nancy E. Hall and David G. Kroeger to Washington Mutual Bank Board of Directors, with attachment	January 13, 2004		
48.	WMI-TPS_700239022.00001				Draft Washington Mutual Preferred Funding LLC Term Sheet, dated November 21, 2005	November 1, 2005		
49.	WMI-TPS-S0000319	Robinson 5; Ward 4; Dochow 2, 5.	Scott 5		January 9, 2006 email from Lawrence Carter to Dochow and others regarding new LLC	January 9, 2006		
50.	OTS-WMI_10-51387(D.Del.)-00514 (OTSWMS06-007 0002446)		Scott 6		January 10, 2006 Email from Austin Hong to Darrel Dochow regarding REIT Preferred Stock Capital Treatment	January 10, 2006		
51.	WMI-TPS_500002475.00001				Excerpts of WMI Board of Directors Meeting Minutes and WMB Board of Directors Meeting Minutes, dated January 17, 2006 and February 17, 2006	January 17, 2006 and February 17, 2006		
52.	OTS-WMI_10-51387 (D.Del)-004117(Dochow_Darrel-00023716 001)				January 17, 2006 Email and Calendar Invite	January 17, 2006		

EXHIBIT A

53.	WMI-TPS-S0042574				E-Mail from Robert Monehit, First Vice President & Counsel, Washington Mutual Bank to John Robinson, Washington Mutual and Cathy Doperalski, Washington Mutual re: 18(m) Notice for Washington Mutual Preferred Funding LLC	January 27, 2006		
54.	(OTS-WMI_10-51387 (D.Del.)-000517 / OTSWMS06-007 0002449)	Ward 3; Dochow 6	Scott 7 Coffey F		Letter from William Lynch, WaMu Corporate Secretary, to Penny Marshall, Applications Officer, Office of Thrift Supervision	January 30, 2006		
55.	OTS-WMI_51387(D.Del.)-000519 and WMI-TPS701359838	Robinson 6	Coffey A		Letter from William Lynch, WaMu Corporate Secretary, to Office of Thrift Supervision and attached Notice for Establishment of an <u>Operating Subsidiary</u>	January 30, 2006		
56.	WMI-TPS-S0005103				Draft Cayman Offering Circular with Handwritten Comments from MBR&M - Sullivan & Cromwell Draft	January 31, 2006		
57.	OTS-WMI_10-51387(D.Del.)-004113 (Dochow_Darrel-00019979 001)				February 6, 2006 Email from John Robinson to Darrel Dochow	February 6, 2006		
58.	WMI-TPS-S0000387	Robinson 7			Email from Darrel Dochow, OTS Regional Director, to John Robinson, WaMu Executive Vice President, Corporate Risk Management	February 7, 2006		
59.	WMIPC_500002025.00001	Robinson 8; Ward 7; Dochow 8; Frelinger 3	JPM Answer U McIntosh 5B Scott 8		Letter from Darrel Dochow at the OTS to John Robinson at WMB.	February 9, 2006		
60.	OTS-WMI_10-51387(D.Del.)-000475 (OTSWMS06-007 0000970)	Ward 6; Dochow 7.	Scott 9		February 9, 2006 Memorandum from Penny Marshall (OTS) to Darrel Dochow (OTS)	February 9, 2006		
61.	WMI-TPS-S0000389	Robinson 9; Ward 8.	Scott 10 Coffey G		February 17, 2006 Email from Darrel Dochow (OTS) to John Robinson (WMB)	February 17, 2006		
62.	OTS-WMI_10-51387(D.Del.)-000508 (OTSMS06-007 0002440)	Ward 9; Dochow 10.	Coffey C Scott 11		February 23, 2006 Email from Michael Solomon (OTS) to Darrel Dochow et al.	February 23, 2006		

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63.	OTS-WMI_10-51387(D.Del.)-000507 (OTSWMS06-007 0002439)	Ward 12; Dochow 11.	Scott 12		February 23, 2006 Email between John Robinson, Darrel Dochow and Lawrence Carter	February 23, 2006		
64.	WMIPC_500002080.00001		Coffey W		Washington Mutual, Inc., Board of Directors Resolutions	February 24, 2006		
65.	WMI-TPS-0000024	Robinson 11			Email from John Robinson, WaMu Executive Vice President, Corporate Risk Management, to Darrel Dochow, OTS Regional Director, and Sandrine Borrelli, OTS	February 24, 2006		
66.	WMI-TPS_500002068.00001				Washington Mutual Preferred Funding (Cayman) I Ltd., Board of Directors Minutes, dated March 6, 2006	March 6, 2006		
67.					Form 8-K filing, dated March 7, 2006	March 7, 2006		
68.	OTS-WMI_10-51387(D.Del.)-000433 (OTSWMS06-006 0002539)				November 14, 2006 Email from John Robinson to Darrel Dochow	November 14, 2006		
69.					Form 8-K filing, dated December 12, 2006	December 12, 2006		
70.	OTS-WMI-10-51387(D.Del.)-004112		Coffey X		E-Mail from John Robinson, Washington Mutual, to Darrel Dochow, OTS Deputy Regional Director	February 17, 2007		
71.	WMIPC_500002182.00001		Coffey V		Washington Mutual, Inc., Board of Directors Resolutions	April 17, 2007		
72.					Form 8-K filing, dated May 23, 2007	May 23, 2007		
73.	WMI-TPS-S0043693				Email among Peter Freilinger, Washington Mutual and Scott Romanoff, Goldman Sachs	August 4, 2007 August 5, 2007		
74.	WMI-TPS_111664330.00001		Coffey I		August 9, 2007 Email from Jack Read to Rick Hartley (KPMG)	August 9, 2007		
75.	WMI-TPS_111661707.00001		Coffey J		August 10, 2007 Email from Jack Read to Dandan Zhu	August 10, 2007		
76.	WMI-TPS_111576387.00001				October 17, 2007 Email from Jack Read to Laurie Hanson	October 17, 2007		
77.					Form 8-K filing, dated October 24, 2007	October 24, 2007		
78.			McIntosh 15A Scott 29		Form 10-K filing, for the year ended December 31, 2007	December 31, 2007		

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79.	n/a		Scott 30		Form 10-K/A Filing, for the year ended December 31, 2007	December 31, 2007		
80.			JPM Answer GG		Jamie Dimon's 2008 letter to shareholders	2008		
81.	JPM_EX00018443				Draft JPMorgan Chase Presentation, Project West, dated January 25, 2008	January 25, 2008		
82.	JPM_EX00035549				March 11, 2008 Letter from WMI to JPMC	March 11, 2008		
83.	JPM_EX00017493	Epes 21			Email from Tim Main, JPMC to Fernando Rivas, JPMC	March 15, 2008		
84.	JPM_EX00001339				March 21, 2008 Email from Steven Mahns to Shannon Warren	March 21, 2008		
85.	JPM_EX00001339	Epes 6			Email chain "re: FW West's Minority Interests."	March 21, 2008		
86.	JPM_EX00000849 JPM_EX00000851	Epes 17			Email from Fernando Rivas, JPMC to Charlie Scharf, JPMC "Fw: West Project Timetable.ppt."	March 25, 2008		
87.	JPM_EX00006332	Epes 8			March 28, 2008 Email from Daren Gebler to Michelle Liang	March 28, 2008		
88.	WMIPC_500002035.0001		Scott 52		Washington Mutual Preferred Funding LLC Consolidated Statements of Income, Three Months Ended March 31, 2008	March 31, 2008		
89.	JPMCD_000000603.00001	Epes 9			May 19, 2008 Email from Sean Carmody to Mauricio Benitez	May 19, 2008		
90.	n/a		Scott 31		Washington Mutual, Inc. Form 10-Q filing for the period ending June 30, 2008	June 30, 2008		
91.	JPM_EX00038868	Epes 11			Draft JPMorgan FDIC Discussion Materials, July 2008	July 2008		
92.					Office of Thrift Supervision, Examination Handbook, Enforcement Actions	July 1, 2008		
93.	JPM_EX00000322	Epes 20			Email from Fernando Rivas, JPMC to Brian Bessey, attaching Discussion Materials, July 2008.	July 25, 2008		
94.	JPM_EX00038711				July 26, 2008 Email from Charlie Scharf to Mike Cavanaugh	July 26, 2008		
95.	JPM_EX00028481	Epes 22			Email from Genevieve Hovde, JPMorgan to Frode Riksfjord, JPMorgan "re: Docs for term sheet."	July 28, 2008		

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96.	JPM_EX00028757				July 31, 2008 Email from Gregg Gurselman to John Ross	July 31, 2008		
97.		Ward 23; Dochow 19	McIntosh 7A		Memorandum of Understanding between WMB and the OTS, dated September 7, 2008.	September 7, 2008		
98.	WMI-TPS_500002465.00002	Frelinger 12			Email from Robert Williams, WaMu to Peter Frelinger, WaMu "re: Debt for Equity"	September 12, 2008		
99.	JPM_EX00000278				Draft JPMorgan Discussion Materials, September 14, 2008	September 14, 2008		
100.	JPM_EX00000122				September 18, 2008 Email from Allen Friedman to Vishal Idnani	September 18, 2008		
101.	JPM_EX00039950	Epes 12			September 19, 2008 JPMorgan Chase Rating Agency Presentation	September 19, 2008		
102.	WMI-TPS_500002465.00006	Frelinger 11			Email from Steve Rotella, Wamu to Robert Williams, Wamu "Fw: Near Term Liquidity Sources"	September 20, 2008		
103.	OTS-WMI_10-51387(D.Del.)-006456 (Dochow_Darrel-00073902_001)	Ward 24; Frelinger 9 (attachment); Robinson 1 (attachment); Baker 5			September 23, 2008 Draft Discussion Materials	September 23, 2008		
104.	WMI-TPS_500001990.00001 (WMIPC_500002035.0001)	Ward 24; Frelinger 9 (attachment); Robinson 1 (attachment); Baker 5			September 23, 2008 Discussion Materials	September 23, 2008		
105.	OTS-WMI_10-51387 (D.Del.)-006571 (Dochow_Darrell-00076394_001)				September 23, 2008 Email from Darrel Dochow to Mr. Polakoff and Mr. Ward	September 23, 2008		
106.	FDIC00032	Epes 13			September 24, 2008 Letter from Brian Bessey, JPM to Ken Blincow, FDIC	September 24, 2008		
107.	WMI-TPS-S0000245	Frelinger 9			Email from Todd Baker, WaMu, to Carey Brennan, WaMu, with attachment (Draft Discussion Materials, September 23, 2008, independently Bate-stamped at WMI TPS_500001990.00001).	September 24, 2008		

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108.	WMI-TPS_500002025.00004	Dochow 23 (attachment); Robinson 3.	JPM Answer McIntosh 6B Scott 35		Letter from Mr. Rotella at WMI to the OTS.	September 25, 2008		
109.			McIntosh 6A Scott 34		September 25, 2008, E-mail from Darrel Dochow at the OTS to Mr. Rotella et. al. with attached Letter from Darrel Dochow to WMI Board of Directors	September 25, 2008		
110.	OTS-WMI_10-51387(D.Del.)-006415	Dochow 24			Email from Darrel Dochow, OTS Deputy Regional Director to Timothy Ward, Deputy Comptroller and Senior Advisor Midsize / Community Bank Supervision and John E Bowman, OTS "Fw: Signed Assignment Agreement."	September 25, 2008		
111.	OTS-WMI_10-51387(D.Del.)-001244 (OTSWM08-014 0001292)	Dochow 21.	Coffey Q		September 25, 2008, Email from Darrel Dochow to Mr. Polakoff	September 25, 2008		
112.	OTS-WMI_10-51387(D.Del.)-006523 (Dochow_Darrell-00076175 001)	Dochow 22			September 25, 2008 Email from Mr. Franklin to Darrel Dochow	September 25, 2008		
113.	OTS-WMI_10-51387(D.Del.)-006684 (Dochow_Darrell-00085795 001)	Dochow 23			September 25, 2008 Email from Mr. Franklin to Darrel Dochow	September 25, 2008		
114.	OTS-WMI_10-51387(D.Del.)-006437; OTS-WMI_10-51387(D.Del.)-006439				September 25, 2008 Email from Ms. Wu to John Bisset et al and attachment	September 25, 2008		
115.	OTS-WMI_10-51387 (D.Del.)-007571 (Ward_Timothy-00153625 001)		Scott 37		OTS Fact Sheet on Washington Mutual Bank, sated September 25, 2008	September 25, 2008		
116.	JPMCD_000000430.00001 JPMCD_000000430.00002- 24				September 25, 2008 Email and attached Investor Presentation	September 25, 2008		
117.	WMI-TPS-S0106264				Email from Chad Smith, Assistant General Counsel, Washington Mutual, to Benjamin Franklin and John Bisset, Office of Thrift Supervision	September 25, 2008		
118.	WMI-TPS_500002026.00001	Robinson 2; Ward 25			Letter from Darrel Dochow, OTS Deputy Regional Director, to Steve Frank and Alan Fishman, WaMu	September 25, 2008		

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119.	SCOG000560		Coffey T		Final Transcript, JPM – JPMorgan Chase & Co. Acquires the Deposits, Assets and Certain Liabilities of Washington Mutual's Banking Operations Investor Conference Call	September 25, 2008		
120.			JPM Answer DD McIntosh 6C		WMI Press Release, dated September 26, 2008	September 26, 2008		
121.	OTS-WMI_10-51387 (D.Del)-007394 (Ward_Timothy-00001737_001)				September 26, 2008 Email from Austin Hong to Timothy Ward containing WMI Conditional Exchange Press Release	September 26, 2008		
122.	WMI-TPS_700766609.00001				October 8, 2008 Email from Doreen Logan, Assistant Treasurer Washington Mutual to Keith Kuenzli	October 8, 2008		
123.	WTC_11575				Email from Michael Wass, Wilmington Trust to Andrew Taggart	October 21, 2008		
124.	WGM_00000102	Epes 4; Kosutros 2	Coffey N		Draft October 25, 2008 Stipulation By and Between Debtors and JPMorgan Chase Bank, N.A. Concerning Trust Preferred Securities	October 25, 2008		
125.	WGM-TPS_00000072				E-mail from Hydee Feldstein, Sullivan and Cromwell, to Brian Rosen, Weil, et al	October 28, 2010		
126.	WMI-TPS_700634805.00001 WTC_001504		Williams		November 28, 2008 Email from Chad Smith to Michael Wass et al	November 28, 2008		
127.	WTC_011557				E-Mail between Michael Wass, Wilmington Trust Company and Chad Smith, General Counsel, Washington Mutual	February 3, 2009		
128.	WTC000272, WTC 001506 – 1511; 1517; WTC 000257 – WTC 000261.	Feil P-3			Email Chain between Chad Smith, Michael Wass, et al.	March 23, 2009		
129.	Intentionally Omitted							
130.	WMI-TPS_500082232.00001		Scott 39		August 14, 2009 Email from Keith Stanley (IRS) to Stuart Goldring (Weil)	August 14, 2009		
131.	WMI-TPS_701357588.00001		Scott 40		IRS Private Ruling Letter 128082	December 4, 2009		

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132.	VRCAP000004		Coffey P		VR Global Partners, L.P., Preliminary Trade Notification	January 7, 2010		
133.	PAIGE000002		Coffey O		Paige Opportunity Partners Master Fund, Trade Manager Blotter Report	March 18, 2010		
134.	Intentionally Omitted							
135.					Office of Inspector General, Department of the Treasury, Federal Deposit Insurance Corporation, <u>Evaluation of Federal Regulatory Oversight of Washington Mutual Bank</u> , Report No. EVAL-10-002	April 1, 2010		
136.	WMG-TPS_00006565				E-Mail from Kelly DiBlasi, Weil to Arelene Alves, Seward and Kissel	May 21, 2010		
137.		Ward 17	McIntosh 9F Scott 42		OTS, Regulatory Bulletin 37-62 (Sept. 2010) [Handbook]	September, 2010		
138.	WMI-TPS-S0008149				Washington Mutual Preferred Funding LLC Summary of Relevant Differences between Terms of Proposed Cayman Offering in Offering Circular and Term Sheets	undated		
139.	WMI-TPS 000252	Ward 11	Coffey E Scott 49		WaMu Roadshow	undated		
140.	WMI-TPS 000211	Ward 10	Coffey E Scott 50		WaMu Roadshow	undated		
141.	WMI-TPS_700239352.00001				Washington Mutual Preferred Funding - Exchange Agreement Mechanics	undated		
142.	WMI-TPS_700239022	Robinson 4			Draft Document entitled "Washington Mutual Preferred Funding LLC, Indicative Terms and Conditions."	November 23, 2005		
143.	OTSWMI-BKRCY-00000001	Baker 10	Coffey S		OTS Administrative Record	undated		
144.	Intentionally Omitted							
145.	WMI-TPS_700255829.00001				WaMu Pref Funding Unwind Flow Chart	undated		
PLEADINGS AND DOCKET ENTRIES								
146.	Intentionally Omitted							
147.					Complaint, Am. Nat'l Ins. Co., et al. v. JPMorgan Chase & Co., et al., Case No. 09-00044 (S.D. Tex.)	February 16, 2009		

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148.			Williams	1 on 1:09-cv-00533 RMC	<i>Complaint</i> of Washington Mutual, Inc. dated March 20, 2009 (Case: 1:09-cv-00533)	March 20, 2009		
149.				1 on 09-50551	Complaint, JPMorgan Chase Bank, N.A., et al. v. Wash. Mut., Inc., et al., Adv. Proc. No. 09-50551 (Bankr. D. Del.)	March 24, 2009		
150.			Willaims	23 on 09-50551	Debtors' Answer And Counterclaims In Response To The Complaint Of JPMorgan Chase Bank, N.A.	March 29, 2009		
151.				1 on 09-50934	Complaint, Wash. Mut. Inc., et al. v. JPMorgan Chase Bank, N.A., et al. Adv. Proc. No. 09-50934 (Bankr. D. Del.)	April 27, 2009		
152.				141 on 09-50551(MFW)	JPMC Adversary Action, Order Denying Motion to Dismiss Debtors' Counterclaims Filed by JPMC, in JPMorgan Chase Bank, N.A. v. Wash. Mut., Inc., Adv. Proc. No. 09-50551 (MFW)	September 14, 2009		
153.	Intentionally Omitted							
154.			Williams	2425 on 08-12229(MFW)	The Monthly Operating Report for January 2010	February 25, 2010		
155.			Coffey U	3761 on 08-1229(MFW)	First Supplemental Verified Statement of Fried, Frank, Harris, Shriver & Jacobson LLP Pursuant to Rule 2019 of the Federal Rules of Civil Procedure, In re Washington Mutual, Inc., No. 08-12229 (MFW) (Bankr. D. Del.)	May 17, 2010		
156.				4428 on 08-12229(MFW)	The Monthly Operating Report for April 2010	May 28, 2010		
157.			Williams	4830 on 08-12229(MFW)	Monthly Operating Report for the period May 1, 2010 through May 31, 2010	June 30, 2010		
158.			Williams	1 on 10-51387(MFW)	Plaintiff's <i>Complaint for Declaratory and Other Relief</i>	July 7, 2010		
159.					Transcript of Hearing, <u>In re</u> Washington Mutual, Inc., No. 08-12229 (MFW) (Bankr. D. Del.)	August 10, 2010		
160.					Plaintiffs' First Set Of Requests For Admissions and Exhibits	August 27, 2010		

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161.		Ward 1			Affidavit of Service / Subpoena in a Case Under the Bankruptcy Code to Timothy Ward	September 3, 2010		
162.				60 on 10-51387(MFW)	Answer to Complaint, Counterclaim by Washington Mutual, Inc. against all plaintiffs Filed by Washington Mutual, Inc., No. 10-51387	September 14, 2010		
163.			Williams	61 on 10-51387(MFW)	Answer to Complaint Filed by JPMorgan Chase Bank, N.A., No. 10-51387	September 14, 2010		
164.				5548 on 08-12229(MFW)	Debtors' Sixth Amended Chapter 11 Plan and Exhibits, dated October 6, 2010	October 6, 2010		
165.				5549 on 08-12229(MFW)	Debtors' Disclosure Statement for the Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code, dated October 6, 2010	October 6, 2010		
166.		Epes 5		08-12229(MFW)	Amended and Restated Settlement Agreement.	October 6, 2010		
167.			Coffey L		WMI's Supplemental Responses to Plaintiffs' First Set Of Requests For Admission	October 8, 2010		
168.		Epes 3		81 on 10-51387(MFW)	Notice of Deposition of JPMorgan Chase Bank, N.A. By Rule 30(b)(6) Representative.	October 12, 2010		
169.		Epes 1			Subpoena in a Case Under the Bankruptcy Code to Travis Epes	October 13, 2010		
170.		Feil P-1			Subpoena in a Case Under the Bankruptcy Code to Joseph Feil.	October 13, 2010		
171.					Objections and Responses of JPMorgan Chase Bank, National Association to Plaintiffs' First Set of Requests for Admission	October 14, 2010		

EXHIBIT A

172.			Coffey M		Transcript of the Hearing Regarding the Motion of Debtors for an Order Pursuant to Sections 105, 502, 1125, 1126 and 1128 of the Bankruptcy Code and Bankruptcy Rules 2002, 3003, 3017, 3018 and 3020, In re Washington Mutual, Inc., No. 08-12229 (MFW) (Bankr. D. Del.)	October 18, 2010		
173.		Kosturos 8		5714 on 08-12229(MFW)	Modification of Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code, dated October 29, 2010	October 29, 2010		
174.				5724 on 08-12229(MFW)	Plan Supplement in Support of Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code, dated October 29, 2010	October 29, 2010		
175.				5712 on 08-12229(MFW)	Verified Third Amended Statement of Brown Rudnick LLP and Campbell & Levine LLC Pursuant to Rule 2019 of the Federal Rules of Bankruptcy Procedure	October 29, 2010		
176.		Goulding 2			Debtor and Defendant Washington Mutual, Inc.'s Objections and Responses to Plaintiffs' Notice of 30(b)(6) Deposition Directed to Washington Mutual, Inc.	November 2, 2010		
177.		Epes 2		115 on 10-51387(MFW)	Re-Notice of Deposition of JPMorgan Chase Bank, N.A. By Rule 30(b)(6) Representative.	November 3, 2010		
178.		Goulding 1		114 on 10-51387(MFW)	Notice of Deposition of Jon Goulding as Designee of Washington Mutual, Inc.	November 3, 2010		
179.		Frelinger 1		113 on 10-51387(MFW)	Notice of Deposition of Peter Frelinger as Designee of Washington Mutual, Inc.	November 3, 2010		

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180.		Kosturos 11		5784 on 08-12229(MFW)	Notice of Rule 30(b)(6) Deposition of Representative of Washington Mutual.	November 5, 2010		
181.		Kosturos 1		134 on 10-51387(MFW)	Amended Notice of Scheduled Deposition of William Kosturos as Designee of Washington Mutual.	November 10, 2010		
182.				139 attachment #1 on 10-51387(MFW)	Declaration of Jack S. Williams	November 16, 2010		
183.				139 attachment #2 on 10-51387(MFW)	Declaration of Hal S. Scott	November 16, 2010		
184.					Jack S. Williams Expert Report	November 16, 2010		

EXHIBIT B

WMI and JPMC
TPS Trial Exhibits

No.	Depo Ex./Other Doc	Document	Doc Date	Deponent	Depo Date	Bates Numbers
OFFERING DOCUMENTS FOR THE TRUST PREFERRED SECURITIES						
OFFERING CIRCULARS						
1	McIntosh Decl. Ex. 1A	Washington Mutual Preferred Funding Trust I Offering Circular	2/24/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
2	McIntosh Decl. Ex. 1B	Washington Mutual Preferred Funding (Cayman) I Ltd. Offering Circular	2/24/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
3	McIntosh Decl. Ex. 1C	Washington Mutual Preferred Funding Trust II Offerin Circular	12/6/2006	-	-	JPMC/FDIC 0000002 (CD-ROM)
4	McIntosh Decl. Ex. 1D	Washington Mutual Preferred Funding Trust III Offering Circular	5/21/2007	-	-	JPMC/FDIC 0000003 (CD-ROM)
5	McIntosh Decl. Ex. 1E	Washington Mutual Preferred Funding Trust IV Offering Circular	10/18/2007	-	-	JPMC/FDIC 0000004 (CD-ROM)
GLOBAL TRUST CERTIFICATES						
6	McIntosh Decl. Ex. 2A	Certificate No. 001 representing 5,000 Trust Securities of WaMu Delaware (Trust I)	3/7/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
7	McIntosh Decl. Ex. 2B	Certificate No. 002 representing 5,000 Trust Securities of WaMu Delaware (Trust I)	3/7/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
8	McIntosh Decl. Ex. 2C	Certificate No. 003 representing 2500 Trust Securities of WaMu Delaware (Trust I)	3/7/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
9	McIntosh Decl. Ex. 2D	Certificate representing 3,023 Series A-1 WaMu Cayman Preferred Securities	3/7/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
10	McIntosh Decl. Ex. 2E	Certificate representing 44,700 Series A-1 WaMu Cayman Preferred Securities	3/7/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
11	McIntosh Decl. Ex. 2F	Certificate representing 5,000 Trust Securities of WaMu Trust II	12/13/2006	-	-	JPMC/FDIC 0000002 (CD-ROM)
12	McIntosh Decl. Ex. 2G	Certificate representing 5,000 Trust Securities of WaMu Trust III	5/24/2007	-	-	JPMC/FDIC 0000003 (CD-ROM)
13	McIntosh Decl. Ex. 2H	Certificate No. 001 representing 5,000 Trust Securities of WaMu Delaware Trust IV	10/25/2007	-	-	JPMC/FDIC 0000004 (CD-ROM)
14	McIntosh Decl. Ex. 2I	Certificate No. 002 representing 5,000 Trust Securities of WaMu Delaware Trust IV	10/25/2007	-	-	JPMC/FDIC 0000004 (CD-ROM)

WMI and JPMC
TPS Trial Exhibits

No.	Depo Ex./Other Doc	Document	Doc Date	Deponent	Depo Date	Bates Numbers
TRUST AGREEMENTS						
15	McIntosh Decl. Ex. 3A	Amended and Restated Trust Agreement of WaMu Trust I, dated as of March 7, 2006, among WMPF, Wilmington Trust Co. as Delaware Trustee, Wilmington Trust Co. as Property Trustee, and the Holders of Trust Securities from Time to Time	3/7/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
16	McIntosh Decl. Ex. 3B	Restated Memorandum and Articles of Association of WaMu Preferred (Cayman) I, Ltd.	3/7/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
17	McIntosh Decl. Ex. 3C	Amended and Restated Trust Agreement of WaMu Trust II, dated as of December 13, 2006, among WMPF, Wilmington Trust Co as Delaware trustee, Wilmington Trust Co as Property Trustee, and the Holders of Trust Securities from Time to Time	12/13/2006	-	-	JPMC/FDIC 0000002 (CD-ROM)
18	McIntosh Decl. Ex. 3D	Amended and Restated Trust Agreement of WaMu Trust III among WMPF, Wilmington Trust Co. as Delaware Trustee, Wilmington Trust Co. as Property Trustee, and the Holders of Trust Securities from Time to Time	5/24/2007	-	-	JPMC/FDIC 0000003 (CD-ROM)
19	McIntosh Decl. Ex. 3E	Amended and Restated Trust Agreement of WaMu Trust IV among WMPF, Wilmington Trust Co. as Delaware Trustee, Wilmington Trust Co. as Property Trustee, and the Holders of Trust Securities from Time to Time	10/24/2007	-	-	JPMC/FDIC 0000004 (CD-ROM)
EXCHANGE AGREEMENTS						
20	McIntosh Decl. Ex. 4A	Ex.change Agreement, dated March 7, 2006, among WaMu Trust I, WaMu Cayman, Washington Mutual, Inc. ("WMI") and Mellon Investor Services, LLC	3/7/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
21	McIntosh Decl. Ex. 4B	Ex.change Agreement among WaMu Trust II, WaMu Cayman, Washington Mutual, Inc. ("WMI") and Mellon Investor Services, LLC	12/13/2006	-	-	JPMC/FDIC 0000002 (CD-ROM)
22	McIntosh Decl. Ex. 4C	Ex.change Agreement among WaMu Trust III, WaMu Cayman, Washington Mutual, Inc. ("WMI") and Mellon Investor Services, LLC	5/24/2007	-	-	JPMC/FDIC 0000003 (CD-ROM)

WMI and JPMC
TPS Trial Exhibits

No.	Depo Ex./Other Doc	Document	Doc Date	Deponent	Depo Date	Bates Numbers
23	McIntosh Decl. Ex. 4D	Ex.change Agreement among WaMu Trust IV, WaMu Cayman, Washington Mutual, Inc. ("WMI") and Mellon Investor Services, LLC	10/25/2007	-	-	JPMC/FDIC 0000004 (CD-ROM)
DEPOSITARY AGREEMENTS						
24	McCombs Decl. Ex. 3A	Deposit Agreement among WMI, Mellon as Depositary and Mellon as Registrar (Trust I & Cayman)	3/7/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
25	McCombs Decl. Ex. 3B	Deposit Agreement 2006, among WMI, Mellon as Depositary and Mellon as Registrar (Trust II)	12/13/2006	-	-	JPMC/FDIC 0000002 (CD-ROM)
26	McCombs Decl. Ex. 3C	Deposit Agreement among WMI, Mellon as Depositary and Mellon as Registrar (Trust III)	5/24/2007	-	-	JPMC/FDIC 0000003 (CD-ROM)
27	McCombs Decl. Ex. 3D	Deposit Agreement among WMI, Mellon as Depositary and Mellon as Registrar. (Trust IV)	10/25/2007	-	-	JPMC/FDIC 0000004 (CD-ROM)
AGENCY AGREEMENTS						
28	-	Agency Agreement among WaMu Cayman the Company Wilmington Trust (Cayman) Ltd. ("Wilmington Trust Cayman") and J.P. Morgan Bank Luxembourg S.A.	3/7/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
29	-	Agency Agreement among WaMu Delaware the Company Wilmington Trust Company ("Wilmington Trust") and WMB	3/7/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
30	-	Agency Agreement, dated as of December 13, 2006, among WaMu Trust II, the Company, and Wilmington Trust Company	12/13/2006	-	-	JPMC/FDIC 0000002 (CD-ROM)
31	-	Agency Agreement, dated as of May 24, 2007, among WaMu Trust III, the Company and Wilmington Trust Company	5/24/2007	-	-	JPMC/FDIC 0000003 (CD-ROM)
32	-	Agency Agreement, among the Trust, the Company and Wilmington Trust	10/25/2007	-	-	JPMC/FDIC 0000004 (CD-ROM)
PURCHASE AGREEMENTS						
33	-	Purchase Agreement among WMI, WMB, the Company, WaMu Delaware, WaMu Cayman and Goldman, Sachs & Co as representative of the several purchasers	2/24/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)

WMI and JPMC
TPS Trial Exhibits

No.	Depo Ex./Other Doc	Document	Doc Date	Deponent	Depo Date	Bates Numbers
34	-	Purchase Agreement among WMI, WMB, the Company, WaMu Trust II and Goldman, Sachs & Co. ("GS"), as representative of the several purchases	12/6/2006	-	-	JPMC/FDIC 0000002 (CD-ROM)
35	-	Purchase Agreement among WMI, WMB, Washington Mutual Preferred Funding LLC, WaMu Trust III and Goldman Sachs of several purchasers	5/21/2007	-	-	JPMC/FDIC 0000003 (CD-ROM)
36	-	Purchase Agreement among WMI, WMB, the Company, the Trust and GS, as representative of several purchasers	10/18/2007	-	-	JPMC/FDIC 0000004 (CD-ROM)
REPLACEMENT CAPITAL COVENANTS						
37	-	Replacement Capital Covenant by Washington Mutual, Inc.	3/7/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
38	-	Replacement Capital Covenant by Washington Mutal, Inc.	12/13/2006	-	-	JPMC/FDIC 0000002 (CD-ROM)
39	-	Replacement Capital Covenant by Washington Mutual, Inc.	5/24/2007	-	-	JPMC/FDIC 0000003 (CD-ROM)
40	-	Replacement Capital Covenant by Washington Mutal, Inc.	10/25/2007	-	-	JPMC/FDIC 0000004 (CD-ROM)
POOLING & SERVICING AGREEMENTS						
41	-	Pooling and Servicing Agreement, dated March 7, 2006, among Washington Mutual Bank, Washington Mutual Preferred Funding LLC, Deutsche Bank National Trust Company and Deutsche Bank Trust Company Delaware	3/7/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
42	-	Pooling and Servicing Agreement, dated as of December 13, 2006, among Washington Mutual Bank, Washington Mutual Preferred Funding LLC, and Deutsche Bank Trust Company Delaware	12/13/2006	-	-	JPMC/FDIC 0000002 (CD-ROM)
43	-	Pooling and Servicing Agreement, dated October 25, 2007, between Washington Mutual Bank, Washington Mutual Preferred Funding LLC, Deutsche Bank National Trust Company and Deutsche Bank Trust Company Delaware	10/25/2007	-	-	JPMC/FDIC 0000004 (CD-ROM)

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No.	Depo Ex./Other Doc	Document	Doc Date	Deponent	Depo Date	Bates Numbers
CUSTODY AGREEMENTS						
44	-	Custody Agreement among WMB as Custodian , WMB as Servicer and the REMIC Trustee	3/7/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
45	-	Custody Agreement among WMB as Custodian , WMB as Servicer and the REMIC Trustee	12/13/2006	-	-	JPMC/FDIC 0000002 (CD-ROM)
46	-	Custody Agreement among WMB as Custodian, WMB as Servicer and Deutsche Bank National Trust Company as Trustee	10/25/2007	-	-	JPMC/FDIC 0000004 (CD-ROM)
ARTICLES OF AMENDMENT (SERIES I, J, L, M, N PREFERRED STOCK)						
47	McCombs Decl. Ex. 2A	Articles of Amendment of WMI, dated March 6, 2006, establishing the Series I Perpetual Non- cumulative Fixed Rate Preferred Stock ("Fixed Rate WMI Preferred stock") (Trust I)	3/6/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
48	McCombs Decl. Ex. 2B	Articles of Amendment of WMI, dated March 6, 2006, establishing the Series J Perpetual Non- cumulative Fixed-to-Floating Rate Preferred Stock ("Fixed-to-Floating Rate WMI Preferred Stock") (Cayman)	3/6/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
49	McCombs Decl. Ex. 2C	Articles of Amendment of WMI, dated December 12, 2006, establishing the Series L Perpetual Non- cumulative Fixed-to-Floating Rate Preferred Stock (Trust II)	12/12/2006	-	-	JPMC/FDIC 0000002 (CD-ROM)
50	McCombs Decl. Ex. 2D	Articles of Amendment of WMI, dated May 23, 2007, establishing the Series M Perpetual Non- cumulative Fixed-to-Floating Rate Perpetual Stock (Trust III)	5/23/2007	-	-	JPMC/FDIC 0000003 (CD-ROM)
51	McCombs Decl. Ex. 2E	Articles of Amendment of WMI, dated October 24, 2007, establishing the Series N Perpetual Non- cumulative Fixed-to-Floating Rate Preferred Stock (Trust IV)	10/24/2007	-	-	JPMC/FDIC 0000004 (CD-ROM)
CORPORATE RESOLUTIONS						
52		Articles of Amendment of University Street establishing the Series B Perpetual Non- cumulative Preferred Stock	3/6/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)

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No.	Depo Ex./Other Doc	Document	Doc Date	Deponent	Depo Date	Bates Numbers
53		Resolutions adopted by Unanimous Consent of the Board of Directors of WMI (Trust I and Cayman)	2/21/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
54		Resolutions adopted by Unanimous Consent of the Board of Directors of WMB	1/17/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
55		Resolutions adopted by Unanimous Consent of the Board of Directors of University Street	1/13/2006	-	-	JPMC/FDIC 0000001 (CD-ROM)
56		Resolutions adopted by the Board of Directors of WMI on October 17, 2006 (Trust II)	10/17/2006	-	-	JPMC/FDIC 0000002 (CD-ROM)
57		Resolutions adopted by the Board of Directors of WMI on April 17, 2007 (Trust III)	4/17/2007	-	-	JPMC/FDIC 0000003 (CD-ROM)
58		Resolutions adopted by the Board of Directors of WMI on August 21, 2007 (Trust IV)	8/21/2007	-	-	JPMC/FDIC 0000004 (CD-ROM)
OFFICE OF THRIFT SUPERVISION (OTS) & FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) DOCUMENTS						
OTS CORRESPONDENCE WITH WASHINGTON MUTUAL						
60	McIntosh Decl. Ex. 5A	Notice for Establishment of an Operating Subsidiary	1/30/2006			
61	McIntosh Decl. Ex. 5B	Letter from Darrel W. Dochow (OTS) to John F. Robinson, Washington Mutual Bank ("WMB"), [re: WMPF]	2/9/2006			
62	McIntosh Decl. Ex. 5C	Letter from John F. Robinson to Darrel W. Dochow [re: WaMu Cayman and WaMu Trust I]	2/23/2006			
63	McIntosh Decl. Ex. 5D	Letter from Darrel W. Dochow to John F. Robinson [re: WaMu Cayman and WaMu Trust I]	2/24/2006			
64	McIntosh Decl. Ex. 5E	Letter from John F. Robinson to Darrel W. Dochow Re: WaMu Trust II	11/14/2006			
65	McIntosh Decl. Ex. 5F	Letter from Darrel W. Dochow to John F. Robinson Re: WaMu Trust II	12/4/2006			
66	McIntosh Decl. Ex. 5G	Letter from John F. Robinson to Darrel W. Dochow and returned stamped February 24, 2007 Re: WaMu Trust III	2/7/2007			
67	McIntosh Decl. Ex. 5H	Letter from John F. Robinson to Michael Rinn (OTS) Re: WaMu Trust IV	8/17/2007			
68	McIntosh Decl. Ex. 5I	Letter from Mark W. Johnson (OTS) to John F. Robinson Re: WaMu Trust IV	9/20/2007			

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No.	Depo Ex./Other Doc	Document	Doc Date	Deponent	Depo Date	Bates Numbers
69	McIntosh Decl. Ex. 6A	Email from Darrel W. Dochow to Steve Rotella et al with attached Letter from Darrel W. Dochow to Washington Mutual, Inc. Board of Directors Re: Conditional Exchange	9/25/2008			
70	McIntosh Decl. Ex. 6B	Letter from Steve Rotella to John Bisset (OTS) Re: Conditional Ex.change	9/25/2008			
71	McIntosh Decl. Ex. 6C	WMI Press release	9/26/2008			
OTS DEPOSITION EXHIBITS						
72	Ward Ex. 03	January 30, 2006 letter from the Office of Thrift Supervision Applications Unit	1/30/2006	Ward	11/8/2010	OTS-WMI_10-51387(D.Del.)-000519-32
73	Ward Ex. 04	1/9/2006 e-mail from Lawrence D. Carter	1/9/2006	Ward	11/8/2010	WMI-TPS-S0000319
74	Ward Ex. 06	Draft February 9, 2006 Memo to Darrel Dochow from Penny Marshall	2/9/2006	Ward	11/8/2010	OTS-WMI_10-51387(D.Del.)-000475-76
75	Ward Ex. 08	2/17/2006 e-mail from Darrel Dochow to John Robinson and Lawrence Carter	2/17/2006	Ward	11/8/2010	WMI-TPS-S0000389
76	Ward Ex. 09	February 23, 2006 e-mail from Michael Solomon to Darrel Dochow, Penny Marshall, Austin Hong and Lawrence Carter	2/23/2006	Ward	11/8/2010	OTS-WMI_10-51387(D.Del.)-000508
77	Ward Ex. 10	Color slide presentation WaMu		Ward	11/8/2010	WMI-TPS-000211-251
78	Ward Ex. 11	Color Presentation WaMu		Ward	11/8/2010	WMI-TPS-S000252-295
79	Ward Ex. 12	February 23, 2006 e-mail from Lawrence Carter to Darrel Dochow	2/23/2006	Ward	11/8/2010	OTS-WMI_10-51387(D.Del.)-000507
80	Ward Ex. 15	Office of Thrift Supervision, Treasury Section 567.5 Components of Capital		Ward	11/8/2010	
81	Ward Ex. 24	September 23, 2008 Discussion Materials	9/23/2008	Ward	11/8/2010	OTS-WMI_10-51387(D.Del.)-006456-80
82	Ward Ex. 26	September 29, 2008 from Adam Stein to Timothy Ward	9/29/2008	Ward	11/8/2010	OTS-WMI_10-51387(D.Del.)-007570-74
83	Dochow Ex. 04	Email from Austin Hong to Darrel Dochow	1/10/2006	Dochow	11/10/2010	OTSWMS06-0070002446

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No.	Depo Ex./Other Doc	Document	Doc Date	Deponent	Depo Date	Bates Numbers
84	Dochow Ex. 05	Meeting Update dated 1/17/2006	1/17/2006	Dochow	11/10/2010	Dochow_Darrel-0023716-001-002
85	Dochow Ex. 09	Email dated 2/17/2006 from Darrel Dochow to John Robinson	2/17/2006	Dochow	11/10/2010	WMI-TPS-S0000389
86	Dochow Ex. 21	Email dated 9/25/2008 from Darrel Dochow to Scott Polakoff	9/25/2008	Dochow	11/10/2010	OTSWMS08-014001292
87	Dochow Ex. 22	Email from James Wigand to Darrel Dochow Re: Provision from Trust Agreement		Dochow	11/10/2010	Dochow_Darrel-0076175-0001-0003
88	Dochow Ex. 23	Email from Darrel Dochow to James Wigand with Letter from Steve Rotella	9/25/2008	Dochow	11/10/2010	Dochow_Darrel-00085795-001-002; Dochow_Darrel-00085796-001
89	Dochow Ex. 24	Email from 9/25/2008 Darrel Dochow to Tim Ward and John Bowman with Assignment Agreement	9/25/2008	Dochow	11/10/2010	Dochow_Darrel-00073826-001-002; Dochow_Darrel-00073827-001-008
DOCUMENTS RELATED TO WMB RECEIVERSHIP AND JPMC PURCHASE & ASSUMPTION						
90	McIntosh Decl. Ex. 7A	Memorandum of Understanding between WMB and the OTS	9/7/2008			
91		Memorandum of Understanding between WMI and the OTS	9/7/2008			OTS-WMI-BKRCY-00000411-428
92		JPMC Bid Package to FDIC	9/24/2008			JPMCD_000002773.00001 – JPMCD_000002773.00026
93	McIntosh Decl. Ex. 7B	Assignment Agreement between WMI and WMB	9/25/2008			
94	McIntosh Decl. Ex. 7C	FDIC Press Release, JPMorgan Chase Acquires Banking Operations of Washington Mutual	9/25/2008			
95	McIntosh Decl. Ex. 7D	Purchase & Assumption Agreement between the FDIC as Receiver for WMB, the FDIC, and JPMC	9/25/2008			
WILMINGTON TRUST COMPANY DEPOSITION EXHIBITS						
96	Feil D-1	Notice to Holders of Washington Mutual Preferred Funding Trust I	3/31/2009			WTC011484-86

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No.	Depo Ex./Other Doc	Document	Doc Date	Deponent	Depo Date	Bates Numbers
97	Feil D-2	Notice to Holders of Washington Mutual Preferred Funding Trust I	5/10/2010			WTC-11287-90
98	Wilmington Trust Notice	Notice to Holders of Washington Mutual Preferred Funding Trust I	7/13/2010			WTC011375-79
99	Wilmington Trust Notice	Notice to Holders of Washington Mutual Preferred Funding Trust I	7/29/2010			WTC011480-82
100	Wilmington Trust Notice	Notice to Holders of Washington Mutual Preferred Funding Trust I	7/26/2010			WTC011425-30
PLAINTIFF DISCOVERY						
DOCUMENTS PRODUCED BY PLAINTIFFS						
101	McIntosh Decl. Ex. 12a	Kevin Starke, CRT Capital Group LLC, Company Note, Washington Mutual, Inc. (WM/WAMUQ) Case Update	1/13/2010			SCOG000314-320
102	McIntosh Decl. Ex. 12b	Emails between Michael Renoff (Scoggin Cap. Mgmt) and Kevin Starke (CRT Capital Group)	1/13/2010			SCOG002385
103	McIntosh Decl. Ex. 12c	Questionnaire for Pfficial Committee of Equity Security Holders	1/8/2010			BLACK000101-102
104	McIntosh Decl. Ex. 12d	Letter from David F. Heroy to the U.S. Trustee, Request for Appointment of Official Committee of Hybrid Preferred Securities	4/2/2010			BLACK002001-2011
105	McIntosh Decl. Ex. 12e	Notice from Wimington Trust Co	5/10/2010			RIVA000367-370
106	McIntosh Decl. Ex. 12f	Email from Kevin Starke (CRT Capital Group) to Plaintiffs	7/30/2010			RIVA003351-3354
107	McIntosh Decl. Ex. 12g	Emails between Dev Chodry (Scoggin Cap. Mgmt.) and Kevin Starke (CRT Capital Group)	8/11/2010			SCOG003417-3419
108	McIntosh Decl. Ex. 12h	Emails between Philip Broenniman (Visium Funds) and Peter Aman (APS Financial)	8/13/2010			VISI001953-1954
109	McIntosh Decl. Ex. 12i	Emails between Philip Broenniman (Visium Funds) and Peter Aman (APS Financial)	8/13/2010			VISI001955-1956
110	McCombs Decl. Ex. 7A	Plaintiffs' Trading Activity in Washington Mutual Trust Preferred Securities & WMI REIT Series Preferred Equity (Chart)	11/22/2010	Summary chart of voluminous writings under Fed. R. Evid. 1006		
111	McCombs Decl. Ex. 7B	Timeline of Plaintiffs; Trading Activity in Washington Mutual Trust Preferred Securities & WMI REIT Series Preferred Equity (Chart)	11/22/2010	Summary chart of voluminous writings under Fed. R. Evid. 1006		

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No.	Depo Ex./Other Doc	Document	Doc Date	Deponent	Depo Date	Bates Numbers
112	McCombs Decl. Ex. 7C	Summary of Plaintiffs' Transactions in Washington Mutual Trust Preferred Securities Prior to 9/26/08 and in WMI REIT Series Preferred Equity After 1/1/10 (Chart)	11/22/2010			Summary chart of voluminous writings under Fed. R. Evid. 1006
PLAINTIFF DEPOSITION EXHIBITS						
113	McInnis Ex. 10	Email from Debtwire Re: Washington Mutual hybrid holders to begin challenge of global settlement at disclosure statement hearing nEx.t week; market pricing in upside	5/28/2010	McInnis	11/18/2010	GREY035937-8
114		Supplemental Interrogatory Update for Greywolf	11/21/2020			File Name Greywolf Wamu Position 11.19.2010.xls
115	McInnis Ex. 11	Email from Glanzer Re: WaMu TRUPS get marquee Trial Date	8/25/2010	McInnis	11/18/2010	GREY034508-12
116	McInnis Ex. 2	Supplemental Responses and Objections of Plaintiffs GreyWolf First set of Interrogatories	10/21/2010	McInnis	11/18/2010	
117	McInnis Ex. 3	Email from Gillespie to Laborsky Re: Trade Recap 6/3/2010	6/3/2010	McInnis	11/18/2010	GREY034691-34702
118	McInnis Ex. 4	Monthly Operating Report 3/1/2010-3/31/2010	3/1/2010	McInnis	11/18/2010	
119	McInnis Ex. 5	Email from Konrad Re: New Issue Washington Mutual REIT Preferred and enclosing WM Preferred Funding Trust III	5/21/2007	McInnis	11/18/2010	GREY010681-839
120	McInnis Ex. 6	Company Note 1/13/2010	1/13/2010	McInnis	11/18/2010	VISI004500-06
121	McInnis Ex. 7	Research Update 3/15/2010	3/15/2010	McInnis	11/18/2010	RIVA003092-97
122	McInnis Ex. 8	Email from Starke Re: Washington Mutual Inc-Wamu's Response to Hybrids Complaint Due Today	9/14/2010	McInnis	11/18/2010	RIVA003490-92
123	McInnis Ex. 9	Email from Starke Re: WaMu and FDIC Agree on Amended Reorganization Plan or Do They?	5/17/2010	McInnis	11/18/2010	GREY000006-19
124	Parlami Ex. 13	March 31, 2009 email from CRT	3/31/2009	Parlami	11/19/2010	PINE045496-7
125	Parlami Ex. 14	Feb. 23, 2010 email from Franklin Parlami	2/23/2010	Parlami	11/19/2010	PINE035299
126	Parlami Ex. 2	Feb. 17, 2006 draft of Trust I Offering Circular	2/16/2006	Parlami	11/19/2010	
127	Parlami Ex. 4	Spreadsheet with Metadata attached		Parlami	11/19/2010	PINE 001142-44
128	Parlami Ex. 5	July 25, 2008 email from Mike O'Connell	7/25/2008	Parlami	11/19/2010	PINE13145-48
129	Parlami Ex. 6	Jan. 4, 2010 email from Thomas Siering	1/4/2010	Parlami	11/19/2010	PINE034355--56
130	Parlami Ex. 8	WMI November 2009 Monthly Operating Report	Nov-09	Parlami	11/19/2010	

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No.	Depo Ex./Other Doc	Document	Doc Date	Deponent	Depo Date	Bates Numbers
131	Parlami Ex. 9	WMI October 2009 Monthly Operating Report	Oct-09	Parlami	11/19/2010	
132	Thompson Ex. 01	March 29, 2009 email	3/29/2009	Thompson	11/16/2010	VRCAP000365
133	Thompson Ex. 02	VR Global Supp ROG Responses		Thompson	11/16/2010	
134	Thompson Ex. 04	March 30, 2010 email from David Thompson	3/30/2010	Thompson	11/16/2010	VRCAP002521
135	Thompson Ex. 05	November 4, 2009 CRT Report	11/4/2009	Thompson	11/16/2010	VRCAP 2561-73
136	Thompson Ex. 06	Jan. 19, 2010 Email	1/19/2010	Thompson	11/16/2010	VRCAP 1950
137	Thompson Ex. 07	Jan 19, 2010 email and January 13, 2010 Kevin Starke Report	1/19/2010	Thompson	11/16/2010	VRCAP1950-1957
138	Thompson Ex. 08	D. Thompson Excel Spreadsheet; waterfall analysis		Thompson	11/16/2010	VRCAP 1971-1983
139	Thompson Ex. 09	Monthly Operating Report Dated Feb. 2, 2009	2/2/2009	Thompson	11/16/2010	VRCAP 2582-2594
140	Thompson Ex. 10	Cayman Offering Memorandum		Thompson	11/16/2010	VRCAP 1811-1949
141	Thompson Ex. 11	March 12, 2010 D. Thompson Email	3/12/2010	Thompson	11/16/2010	VRCAP 241-2547
142	Thompson Ex. 13	WMI DC Complaint		Thompson	11/16/2010	
143	Thompson Ex. 14	JPMC Adversary Complaint - Full Version		Thompson	11/16/2010	
144	Broenniman Ex. 01	Supplemental Responses and Objections of Plaintiffs Visium First Set of Interrogatories	10/21/2010	Broenniman	11/12/2010	
145	Broenniman Ex. 03	Complaint filed by JPMorgan in Adversary Proceeding 09-50551	3/24/2009	Broenniman	11/12/2010	BLACK001362-1462
146	Broenniman Ex. 02	Monthly Operating Report 9/26/2008-10/31/2008	9/26/2008	Broenniman	11/12/2010	
147	Broenniman Ex. 04	Email from Broenniman Re: Washington Mutual, Inc. Announces Conditional Ex.change	9/24/2010	Broenniman	11/12/2010	VISI001909-10
148	Broenniman Ex. 09	Company Note 1/13/2010	1/13/2010	Broenniman	11/12/2010	VISI004500-6
149	Broenniman Ex. 10	Email from Aman Re: Judge sets Nov 1 Trial Date for \$4 billion investor claims in WaMu Chapter 11	8/26/2010	Broenniman	11/12/2010	VISI001953-4
150	Chappell Ex. 01	Supplemental Responses and objections of BlackHorse to WMI first set of Interrogatories	10/21/2010	Chappell	11/11/2010	
151	Chappell Ex. 04	D. Chappell email	1/6/2010	Chappell	11/11/2010	BLACK002024-25
152	Chappell Ex. 05	Questionnaire for Official Committee of Equity Security Holders	1/8/2010	Chappell	11/11/2010	BLACK000101-102
153	Chappell Ex. 07	Company Note	1/13/2010	Chappell	11/11/2010	BLACK000470-476
154	Chappell Ex. 12	WMI and WMI Investment Corp. Complaint Filed Against FDIC in United States District Court for the District of Columbia; Case No. 09-cv-00533		Chappell	11/11/2010	BLACK003470-71
155	Chappell Ex. 13	CRT's Intra-Day Research Notes	3/31/2009	Chappell	11/11/2010	
156	Chappell Ex. 14	Letter to Office of US Trustee from Dale Chappell		Chappell	11/11/2010	BLACK001842

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No.	Depo Ex./Other Doc	Document	Doc Date	Deponent	Depo Date	Bates Numbers
157	Finelli Ex. 01	Supplemental Responses and Objections of Plaintiffs Riva Ridge First Set of Interrogatories	10/21/2010	Finelli	11/12/2010	
158	Finelli Ex. 02	Monthly Operating Report 1/1/10 to 1/31/10	1/1/2010	Finelli	11/12/2010	
159	Finelli Ex. 03	Email from Aman Re: Caymans more info pt 2	3/10/2010	Finelli	11/12/2010	RIVA000310-11
160	Finelli Ex. 04	Company Note WMI		Finelli	11/12/2010	RIVA000316
161	Finelli Ex. 05	Company Note 1/13/2010	1/13/2010	Finelli	11/12/2010	VISI004500-06
162	Finelli Ex. 07	Washington Mutual Preferred Funding Trust 1 Offering Circular		Finelli	11/12/2010	RIVA003627-3748
163	Finelli Ex. 06	Email from Starke Re: would u mind sending me your model	3/10/2010	Finelli	11/12/2010	RIVA002514-15
164	Finelli Ex. 08	Email from Aman Re: Caymans/Hybrids/TRUPS	3/10/2010	Finelli	11/12/2010	RIVA000306-7
165	Finelli Ex. 09	Email from Starke Re: Washington Mutual Inc- Wamu's Response to Hybrids Complaint Due Today	5/13/2010	Finelli	11/12/2010	RIVA000574-5
166	Finelli Ex. 11	Email from Aman	3/10/2010	Finelli	11/12/2010	RIVA000308-9
167	Finelli Ex. 12	Notice to Holders of Washington Mutual Preferred Funding Trust I	5/10/2010	Finelli	11/12/2010	RIVA000367-370
168	Philp	Supplemental Interrogatory Responses for Whitebox			11/23/2010	
169	Philp	Monthly Operating Report for 11/1/2009 - 11/30/2009			11/23/2010	
170	Philp	Kevin Starke WMI Update as of 1/13/2010			11/23/2010	
171	Philp	Kevin Starke WMI Update as of 3/15/2010			11/23/2010	
172	Tandon	Kevin Starke Report dated 1/13/2010			11/23/2010	
173	Tandon	Kevin Starke Report dated 3/29/2010			11/23/2010	
174	Tandon	Supplemental Interrogatory Responses for Lonestar			11/23/2010	
175	Tandon	Spreadsheet Showing Lonestar's Trading History			11/23/2010	
176	Tandon	7/30/2010 Email between Tandon and CRT			11/23/2010	
177	Tandon	3/15/2010 Email from CRT attaching Report			11/23/2010	
178		Supplemental Interrogatory Update for Lonestar			11/21/2010	File Name Lonestar Washington Mutual Hybrid Transaction history .xlsx
OTHER EXHIBITS						

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No.	Depo Ex./Other Doc	Document	Doc Date	Deponent	Depo Date	Bates Numbers
179	Robinson Ex. 5	E-mail dated January 9, 2006, from Lawrence Carter to sfunaro@fdic.gov, Darrel Dochow, Steven Dimmick, Richard Kuczek and Penny Marshall.	1/9/2006	Robinson	10/27/2010	WMI-TPS-S0000319
180	Robinson Ex. 7	E-mail Ex.change, the most recent of which is dated February 7, 2006, from Darrel Dochow to John Robinson.	2/7/2006	Robinson	10/27/2010	WMI-TPS-S0000387-88
181	Robinson Ex. 9	E-mail dated February 17, 2006, from Darrel Dochow to John Robinson.	2/17/2006	Robinson		WMI-TPS-S0000389
182	Robinson Ex. 11	E-mail Ex.change, the most recent of which is dated February 24, 2006, from John Robinson to Darrel Dochow and Sandrine Borrelli.	2/24/2006	Robinson	10/27/2010	WMI-TPS-S00000024-26
183	Robinson Ex. 18	Letter dated September 20, 2007, from Mark W. Johnson to John F. Robinson	9/20/2007	Robinson	10/27/2010	WMIPC_500002022.000111
184	Baker Ex. 10	Office of Thrift Supervision, Receivership of a Federal Savings Association		Baker	10/21/2010	OTS-WMI-BKRCY-00000001 - OTS-WMI-BKRCY-00000381
PUBLIC DOCUMENTS						
DOCUMENTS RELATED TO CORE/TIER 1 CAPITAL						
185	McIntosh Decl. Ex. 9a	Bank for International Settlement, Release, Instruments eligible for inclusion in Tier 1 capital	10/27/1998			
186	McIntosh Decl. Ex. 9b	Risk-Based Capital Standards: Trust Preferred 9B Securities and the Definition of Capital, 69 Fed.Reg. 28,851	5/19/2004			
187	McIntosh Decl. Ex. 9c	Risk-Based Capital Standards: Trust Preferred Securities and the Definition of Capital, 70 Fed. Reg. 11,827	3/10/2005			
188	McIntosh Decl. Ex. 9d	Supervision, OTS, re: Capital & Prompt Corrective Action Treatment of Minority Interests in Preferred Capital Corp.	11/12/1996			
189	McIntosh Decl. Ex. 9e	OTS, Regulatory Bulletin 32-31 rescinded by OTS, Regulatory Bulletin 37-62	11/2003			
190	McIntosh Decl. Ex. 9f	OTS, Regulatory Bulletin 37-62	9/2010			
191	McIntosh Decl. Ex. 10a	Moody's Tool Kit: A Framework for Assessing Hybrid Securities	12/1999			

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No.	Depo Ex./Other Doc	Document	Doc Date	Deponent	Depo Date	Bates Numbers
192	McIntosh Decl. Ex. 10b	Refinements to Moody's Tool Kit: An Addendum for Banks and Insurers	1/1/2006			
193	McIntosh Decl. Ex. 10c	Michaelle Brennan, Standard & Poor's, Financial Services Criteris: Equity Credit for Bank and Insurance Hybrid, A Global Prespective	2/16/2006			
194	McIntosh Decl. Ex. 10d	Fitch Ratings, Bank Hybrid and Preferred Securities: Evaluating their Role in Capital Analysis	7/27/2005			
195	McIntosh Decl. Ex. 10e	Sidley Austin, LLP, Pre-Tax Operating Subsidiary Preferred, Ch.7 in Preferred and Capital Product Development: Focusing on Tier 1 and other Hybrid Capital products	4/1/2006			
196	McIntosh Decl. Ex. 10f	Sidley Austin, LLP, Basie Committee and U.S. Regulatory Innovative Tier 1 and Capital product Development: Focusing on Tier 1 and Other Hybrid Capital Products	4/1/2006			
NEWS ARTICLES						
197	McIntosh Decl. Ex. 11a	Moody's cuts Washington Mutual, outlook negative , Reuters News	9/11/2008			
198	McIntosh Decl. Ex. 11b	Wallace Witkowski, Fitch downgrades WaMu on Continued Financial Gloom , MarketWatch	9/11/2008			
PUBLIC FILINGS WITH SECURITIES & EXCHANGE COMMISSION						
199		WMI Annual Report on Form 10-K for the year ended December 31, 2004	3/14/2005			
200		WMI Annual Report on Form 10-K/A for the year ended Dec. 31, 2005	8/9/2006			
201		WMI Annual Report on Form 10-K relating to the year ended Dec. 31, 2006	3/1/2007			
202	McIntosh Decl. Ex. 15a	WMI Annual Report on Form 10-K for the year ended Dec 31, 2007	2/29/2008			
203		WMI Form 10-Q filing	6/30/2008			
204	McIntosh Decl. Ex. 15b	WMI Form 8-K filing	9/11/2008			
205		WMI Form 8-K filing	9/30/2008			

WMI and JPMC
TPS Trial Exhibits

No.	Depo Ex./Other Doc	Document	Doc Date	Deponent	Depo Date	Bates Numbers
BANKRUPTCY FILINGS						
206		Final Report of the Examiner - Joshua R. Hochber, Court Appointed Examiner	11/1/2010			Docket No. 5735
207		Plan Supplement in Support of Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 121 of the United States Bankruptcy Code	10/29/2010			Docket No. 5724
208		Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code	10/29/2010			Docket No. 5714
209	McIntosh Decl. Ex. 14g	Transcript of Oct 18, 2010 Hearing 08-12229	10/18/2010			Docket No. 5641
210		Sixth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code	10/6/2020			Docket No. 5548
211		Disclosure Statement for the Sixth Amended Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code	10/6/2010			Docket No. 5549
212	McIntosh Decl. Ex. 14f	Debtors' Considerations in Consenting to Examiner's Investigation	7/20/2010			-
213		Debtors' Answers & Counterclaims, Adv. Pro. No. 09-50551	5/29/2009			Docket No. 23
214		Complaint, Adv. Pro. 09-50551	3/20/2009			Docket No. 1
215	McIntosh Decl. Ex. 14a	Debtors' Second Amended Schedule of Assets and Liabilities	2/24/2009			Docket No. 709
216	McIntosh Decl. Ex. 14d	Transcript of Jan. 28, 2010 Hearing	1/28/2010			Docket No. 2277
217	McIntosh Decl. Ex. 14e	Response of Black Horse Capital LP to WMI's Motion to Disband the Official Committee of Equity Security Holders	1/21/2010			Docket No. 2186
218	McIntosh Decl. Ex. 14b	Monthly Operating Report for WMI	12/1/2008			Docket No. 369
219		Trust Securities Stipulation (Non-executed)				WGM_0000102
EXPERT REPORTS						
220		Report of Allen Ferrell, Ph.D.	11/14/2010			
221		Report of Prof. Christopher M. James	11/15/2010			