

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

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: **Chapter 11**  
: **Case No. 08-12229 (MFW)**  
: **(Jointly Administered)**  
: **Re: Docket No. 5212**  
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*In re*  
WASHINGTON MUTUAL, INC., et al.,<sup>1</sup>  
Debtors.

**ORDER, PURSUANT TO SECTION 105(a)  
OF THE BANKRUPTCY CODE AND RULE 9019  
OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE,  
(I) APPROVING BUUS CLASS ACTION SETTLEMENT AGREEMENT  
AND (II) DISALLOWING CLAIMS RELATING TO THE BUUS ACTION**

Upon the motion, dated August 3, 2010 (the "Motion"), of Washington Mutual, Inc. ("WMI"), as debtor and debtor in possession, for entry of an order, pursuant to section 105(a) of title 11 of the United States Code (the "Bankruptcy Code") and Rule 9019 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") (i) approving that certain Buus Class Action Settlement Agreement, dated June 29, 2010 (the "Settlement Agreement") and (ii) subject to the Effective Date thereof, disallowing the Class Claims and Employee Claims, with prejudice,<sup>2</sup> all as more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein

<sup>1</sup> The Debtors in these chapter 11 cases along with the last four digits of each Debtor's federal tax identification number are: (i) Washington Mutual, Inc. (3725); and (ii) WMI Investment Corp. (5395). The Debtors' principal offices are located at 925 Fourth Avenue, Seattle, Washington 98104.

<sup>2</sup> Capitalized terms used and not otherwise defined herein shall have the meanings ascribed to them in the Motion and the Settlement Agreement.

being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided to the parties identified therein, and it appearing that no other or further notice need be provided; and the Court having determined that the relief sought in the Motion is in the best interests of the Debtors, their creditors, and all parties in interest; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefore, it is

ORDERED that the Motion is granted; and it further

ORDERED that, pursuant to section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9019, the Settlement Agreement, a copy of which is attached hereto as Exhibit 1, is approved in all respects and the Debtors are authorized to consummate the compromise and settlement embodied in the Settlement Agreement subject to the terms and conditions thereof; and it is further

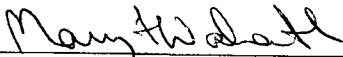
ORDERED that on the Effective Date of the Settlement Agreement, and without further approval by this Court, the Class Claims and Employee Claims (i.e., Claim Nos. 1950, 1951, 1952, 1957, 1969, 1972, 1973, 2504, 2513, 3239 and any other claims filed against the Debtors in the Chapter 11 Cases by current or former employees of the Debtors and/or any WaMu Predecessor Company or any other individuals asserting rights to recovery on the same or similar bases as asserted in the Buus Action, including but not limited to violations of ERISA § 204(h)) shall be deemed disallowed and ~~expunged~~ in their entirety; and it is further

ORDERED that Kurtzman Carson Consultants, LLC, the Debtors' court-appointed claims and noticing agent, is authorized and directed to reflect, in the official claims register in the Chapter 11 Cases that the Class Claims and the Employee Claims are disallowed in their entirety and ~~the Debtors shall be authorized to take any and all actions as may be necessary to cause the release and expungement of the Class Claims and Employee Claims to be reflected on the Debtors' claims registry in the Chapter 11 Cases; and it is~~ further

ORDERED that WMI's performance of its obligations under the Settlement Agreement is not in derogation of, nor does it require a modification of any prior orders of the Bankruptcy Court; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of the Settlement Agreement and this Order.

Dated: October 20, 2010  
Wilmington, Delaware

  
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THE HONORABLE MARY F. WALRATH  
UNITED STATES BANKRUPTCY JUDGE