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The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER OF WASHINGTON MUTUAL BANK,

Plaintiff,

vs.

KERRY K. KILLINGER, STEPHEN J. ROTELLA, DAVID C. SCHNEIDER, LINDA C. KILLINGER, and ESTHER T. ROTELLA,

Defendants.

Case No. 2:11-cv-00459

STIPULATION AND [PROPOSED] ORDER TO SET TIME FOR DEFENDANTS STEPHEN J. ROTELLA, DAVID C. SCHNEIDER, AND ESTHER T. ROTELLA TO FIRST RESPOND TO COMPLAINT

Plaintiff Federal Deposit Insurance Corporation, as Receiver of Washington Mutual Bank (“FDIC”) and Defendants Stephen J. Rotella, David C. Schneider, and Esther T. Rotella (“Defendants”), through their respective counsel, submit this Stipulation and [Proposed] Order to set June 3, 2011 as the date by which Defendants must answer or otherwise first respond to the FDIC’s Complaint (Dkt. No. 1).

RECITALS

WHEREAS, the FDIC filed its Complaint in the Western District of Washington on March 16, 2011; and

STIPULATION AND [PROPOSED] ORDER TO SET TIME FOR DEFENDANTS STEPHEN J. ROTELLA, DAVID C. SCHNEIDER, AND ESTHER T. ROTELLA TO FIRST RESPOND TO COMPLAINT
CASE No. 2:11-cv-00459

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1 WHEREAS, counsel for Defendants agreed to accept service of the Complaint on their
2 behalf.

3 **STIPULATION**

4 IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the FDIC
5 and Defendants, that Defendants shall have up to and including June 3, 2001 to answer or
6 otherwise respond to the FDIC's Complaint.

7 IT IS SO STIPULATED.

8 DATED this 26th day of April, 2011.

9 REED SMITH LLP

DAVIS WRIGHT TREMAINE LLP

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*Attorneys for Stephen J. Rotella, David C.
Schneider and Esther T. Rotella*

1 [PROPOSED] ORDER

2 Based on the foregoing Stipulation,

3 IT IS HEREBY ORDERED that Defendants Stephen J. Rotella, David C. Schneider, and
4 Esther T. Rotella have up to and including June 3, 2011 to answer or otherwise respond to the
5 Plaintiff Federal Deposit Insurance Corporation, as Receiver of Washington Mutual Bank's
6 Complaint (Dkt. No. 1) in Case No. 2:11-cv-00459.

7 DATED this ____ day of _____, 2011.

8
9
10 THE HONORABLE MARSHA J. PECHMAN
11 United States District Judge

12 Presented by:

13 DAVIS WRIGHT TREMAINE LLP

SIMPSON THACHER & BARTLETT LLP

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24 *Schneider and Esther T. Rotella*

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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2011, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record who receive CM/ECF notification, and that the remaining parties shall be served in accordance with the Federal Rules of Civil Procedure.

DATED this 26th day of April, 2011.

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