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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

AMENDED STIPULATION AND [PROPOSED] ORDER TO SET TIME FOR DEFENDANTS TO FIRST RESPOND TO COMPLAINT AND RELATED BRIEFING SCHEDULE

NOTE ON MOTION CALENDAR:
Monday May 23, 2011

Plaintiff Federal Deposit Insurance Corporation, as Receiver of Washington Mutual Bank (“FDIC”) and Defendants Kerry K. Killinger, Linda C. Killinger, Stephen J. Rotella, David C. Schneider, and Esther T. Rotella (“Defendants”), through their respective counsel, submit this Stipulation and [Proposed] Order to modify the date by which Defendants must answer or otherwise first respond to the FDIC’s Complaint (Dkt. No. 1) and, to the extent one or more motions to dismiss are filed, the dates by which opposition and reply briefs shall be filed.

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RECITALS

WHEREAS, the FDIC filed its Complaint in the Western District of Washington on March 16, 2011 (Dkt. No. 1);

WHEREAS, counsel for Defendants agreed to accept service of the Complaint on their behalf;

WHEREAS, counsel for Defendants and the FDIC previously stipulated that the deadline to answer or otherwise respond to the Complaint was June 3, 2011 (Dkt. Nos. 32 and 43);

WHEREAS, the Court previously entered orders requiring the Defendants to answer or otherwise respond to the Complaint by June 3, 2011 (Dkt. Nos. 35 and 44);

WHEREAS, Defendants and the FDIC have further stipulated to a two week extension of the previous deadline; and

WHEREAS, the parties also have stipulated to the following briefing schedule for any motions to dismiss that may be filed: the FDIC shall file its opposition to any motion to dismiss on August 16, 2011, and Defendants shall file their reply briefs on September 15, 2011. This schedule is consistent with the Scheduling Order that this Court entered in the WaMu MDL class action (Dkt. No. 172 in Case No. 08-md-1919-MJP).

STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the FDIC and Defendants, that Defendants shall each have until the end of June 17, 2011 to answer or otherwise respond to Plaintiff's Complaint. Any opposition shall be due on August 16, 2011, and any reply shall be due on September 15, 2011. The changes are shown in the following chart:

Filing	Previous Due Date	New Due Date
Defendants' Answer or First Response to Complaint	June 3, 2011	June 17, 2011
Opposition	n/a	August 16, 2011
Reply	n/a	September 15, 2011

1 IT IS SO STIPULATED.

2 DATED this 23rd day of May, 2011.

3 REED SMITH LLP

DAVIS WRIGHT TREMAINE LLP

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Attorneys for Kerry and Linda Killinger

1 **[PROPOSED] ORDER**

2 Based on the foregoing Stipulation,

3 IT IS HEREBY ORDERED that Defendants shall each have up to and including June 17,
4 2011 to answer or otherwise respond to the Plaintiff Federal Deposit Insurance Corporation, as
5 Receiver of Washington Mutual Bank's Complaint (Dkt. No. 1) in Case No. 2:11-cv-00459. In
6 addition, any opposition shall be due on August 16, 2011, and any reply shall be due on
7 September 15, 2011.

8
9 DATED this ____ day of _____, 2011.

10
11 _____
12 THE HONORABLE MARSHA J. PECHMAN
13 United States District Judge

14 Presented by:

15 DAVIS WRIGHT TREMAINE LLP

16 By: /s/ Steven P. Caplow

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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2010, 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 23rd day of May, 2011.

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