

The Honorable Marsha J. Pechman

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

THE FEDERAL DEPOSIT INSURANCE CORPORATION, as RECEIVER of WASHINGTON MUTUAL BANK,

Plaintiff,

v.

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

Defendants.

No. 2:11-cv-00459-MJP

**DECLARATION OF TOBIN J. ROMERO
IN SUPPORT OF DEFENDANTS KERRY
K. AND LINDA C. KILLINGER'S
MOTION TO DISMISS**

1 I, Tobin J. Romero, declare:

2 1. I am an attorney at the law firm of Williams & Connolly LLP. I make this declaration in
3 support of Kerry K. and Linda C. Killinger’s Motion to Dismiss, filed concurrently
4 herewith. I am familiar with the facts set forth herein and could and would testify thereto
5 if necessary.
6

7 2. Attached hereto as Exhibit 1 is a true and correct copy of an “OTS Fact Sheet on
8 Washington Mutual Bank” as released to the public by the Office of Thrift Supervision
9 on September 25, 2008. *See* <tinyurl.com/DeclEx1>, at 2.
10

11 3. Attached hereto as Exhibit 2 is a true and correct copy of the first page of a June 1, 2004
12 “Strategic Direction” memorandum from Kerry Killinger to the Board of Directors of
13 Washington Mutual Bank as released to the public by the Senate Permanent
14 Subcommittee on Investigations on April 13, 2011. *See* <tinyurl.com/DeclEx2>, at 8.
15 This memorandum is cited and quoted in the Receiver’s Complaint. *See* Compl. ¶¶ 22-
16 25.
17

18 4. Attached hereto as Exhibit 3 is a true and correct copy of the first page of a June 18, 2007
19 “Strategic Direction” memorandum from Kerry Killinger to the Board of Directors of
20 Washington Mutual Bank as released to the public by the Senate Permanent
21 Subcommittee on Investigations on April 13, 2010. *See* <tinyurl.com/DeclEx3>, at 133.
22 This memorandum is cited and quoted in the Receiver’s Complaint. *See* Compl. ¶¶ 64-66.
23

24 I declare under penalty of perjury that the foregoing is true and correct. Executed on June 30,
25 2011.
26

27 /s/ Tobin J. Romero
28 Tobin J. Romero

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on July 1, 2011, I electronically filed the foregoing with the Clerk of the
3 Court using the CM/ECF system, which will send notification of such filing to all participants in this
4 case who are registered CM/ECF users. I further certify that all participants to this case are registered
5 with the CM/ECF system, and therefore no participant need be served by conventional methods.
6
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9

10 /s/ Tobin J. Romero
11 TOBIN J. ROMERO (*pro hac vice*)
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