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The Honorable Marsha J. Pechman

**IN THE 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 BETH A.
STEWART IN SUPPORT OF
DEFENDANTS' JOINT
OPPOSITION TO FDIC'S MOTION
FOR PROTECTIVE ORDER**

NOTE ON MOTION CALENDAR:
August 26, 2011

ORAL ARGUMENT REQUESTED

I, the undersigned attorney, declare as follows:

1. I am an attorney at Williams & Connolly LLP, which has been retained to represent Kerry and Linda Killinger in the above-captioned matter. I could and would competently testify to the facts set forth herein.

2. Attached hereto as Exhibit A is a true and correct copy of Plaintiff FDIC's Responses and Objections to Defendants Kerry and Linda Killingers' First Request for Production.

1 3. Attached hereto as Exhibit B is a true and correct copy of a July 25, 2011 letter
2 from Beth A. Stewart, counsel to the Killingers, to Barry S. Rosen, counsel to the FDIC.

3 4. Attached hereto as Exhibit C is a true and correct copy of an August 8, 2011
4 letter from Henry Pietrkowski, counsel to the FDIC, to Beth A. Stewart, counsel to the
5 Killingers.

6 5. Attached hereto as Exhibit D is a true and correct copy of an August 10, 2011
7 letter from Beth A. Stewart, counsel to the Killingers, to Henry Pietrkowski, counsel to the
8 FDIC.

9 6. Attached hereto as Exhibit E is a true and correct copy of an August 10, 2011
10 email between Beth A. Stewart, counsel to the Killingers, and Henry Pietrkowski, counsel to
11 the FDIC.

12 7. Attached hereto as Exhibit F is a true and correct copy of an August 15, 2011
13 letter from Henry Pietrkowski, counsel to the FDIC, to Beth A. Stewart, counsel to the
14 Killingers. This letter was emailed to me at 12:21 PM PST on August 15, 2011, three minutes
15 before I received notice of the FDIC's Motion having been filed via the ECF system.

16 8. Attached hereto as Exhibit G is a true and correct copy of the transcript of the
17 July 6, 2011 status conference with Judge Pechman.

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19
20 I declare under penalty of perjury that the foregoing is true and correct. Executed in
21 the District of Columbia, this 24th day of August 2011.
22
23

24 /s/ Beth A. Stewart
25 BETH A. STEWART
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on August 24, 2011, I electronically filed the foregoing with the
3 Clerk of the Court using the CM/ECF system, which will send notification of such filing to all
4 participants in this case who are registered CM/ECF users. I further certify that all participants
5 to this case are registered with the CM/ECF system, and therefore no participant need be served
6 by conventional methods.
7
8
9

10 s/ Beth A. Stewart
11 Beth A. Stewart (*pro hac vice*)
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14 Washington, DC 20005
15 Tel: (202) 434-5000
16 Fax: (202) 434-5029
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