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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 EXTENDING TIME TO PERFECT SETTLEMENT AND SUBMIT REQUEST FOR ENTRY OF FINAL JUDGMENT

1 Plaintiff Federal Deposit Insurance Corporation, as Receiver of Washington Mutual Bank  
2 (“FDIC”), and Defendants Kerry K. Killinger, Linda C. Killinger, Stephen J. Rotella, David C.  
3 Schneider, and Esther T. Rotella (“Defendants”), through their respective counsel, submit this  
4 Stipulation and [Proposed] Order to extend the deadlines for perfecting the parties’ settlement  
5 and submitting a request for entry of final judgment pursuant to the Court’s Order Vacating Case  
6 Deadlines (Dkt. No. 84).

### 7 RECITALS

8 1. On October 27, 2011, the parties notified the Court of a pending settlement of this  
9 case subject to certain conditions. That same day, the Court issued an Order Vacating Deadlines  
10 (Dkt. No. 84), which vacated the then-current case schedule, struck all pending deadlines and  
11 motions, granted the parties 60 days to perfect their settlement, and ordered the parties to submit  
12 their request for entry of final judgment within 60 days of entry of this order.

13 2. The FDIC and Defendants have now executed a Settlement and Release  
14 Agreement.

15 3. Pursuant to that Settlement and Release Agreement, a motion will be made in *In*  
16 *re Washington Mutual, Inc.*, No. 08-12229, United States Bankruptcy Court, District of  
17 Delaware, for an order authorizing the insurance companies to make the insurance payment  
18 pursuant to the settlement agreement and discharging the insurers from liability (“Bankruptcy  
19 Distribution Order”).

20 4. The Bankruptcy Distribution Order is a condition precedent to the settlement  
21 being finalized.

22 5. The parties anticipate filing a motion seeking the Bankruptcy Distribution Order  
23 before year-end to be heard by the Bankruptcy Court in January 2012.

### 24 STIPULATION

25 IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the FDIC  
26 and Defendants, that the parties shall have until February 24, 2012 to perfect their settlement and  
27 submit their request for entry of final judgment.

1 IT IS SO STIPULATED.

2 DATED this 23rd day of December, 2011.

3 REED SMITH LLP

DAVIS WRIGHT TREMAINE LLP

4  
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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 the parties shall have until February 24, 2012 to perfect  
4 their settlement and submit their request for entry of final judgment.

5  
6 DATED this \_\_\_\_ day of \_\_\_\_\_, 2011.

7  
8 THE HONORABLE MARSHA J. PECHMAN  
9 United States District Judge

10  
11 Presented by:

12 DAVIS WRIGHT TREMAINE LLP

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

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on December 23, 2011, the foregoing was electronically filed with  
3 the Clerk of the Court using the CM/ECF system which will send notification of such filing to all  
4 counsel of record who receive CM/ECF notification and that the remaining parties shall be  
5 served in accordance with the Federal Rules of Civil Procedure.

6 DATED this 23rd day of December, 2011.

7  
8 **DAVIS WRIGHT TREMAINE LLP**

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