

DOCKETED

JUL 09 2003

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LAWRENCE E. JAFFE PENSION PLAN,)
on behalf of itself and all others similarly)
situated,)
)
Plaintiff,)
)
v.)
)
HOUSEHOLD INTERNATIONAL, INC., et al.)
)
Defendants.)

No. 02 C 5893

Judge Ronald A. Guzman

FILED
JUL 02 2003
MICHAEL W. DEGENS
U.S. DISTRICT COURT
JK

NOTICE OF MOTION

To: Counsel on the Attached Service List

PLEASE TAKE NOTICE that on Tuesday, July 8, 2003 at 9:30 a.m., we shall appear before the Honorable Ronald A. Guzman, or any judge sitting in his stead, in Courtroom 1219 of the United States District Court for the Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, Illinois and then and there present the *Motion for Leave to File Recent Circuit Court Decision*, a copy of which is hereby served upon you.

Dated: July 2, 2003

Respectfully submitted,
Plaintiffs

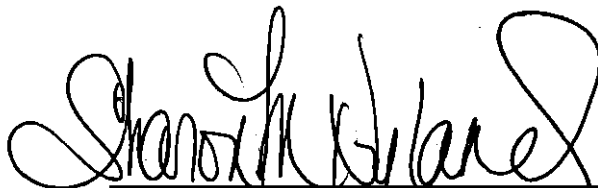
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CERTIFICATE OF SERVICE

I, Sharon M. Nyland, a non-attorney, hereby certify that I caused the *Notice of Motion and Motion for Leave to File Recent Circuit Court Decision* to be served on all counsel on the attached service list by facsimile transmission this 2nd day of July, 2003.


Sharon M. Nyland

SUBSCRIBED AND SWORN TO

before me this 2nd day
of July, 2003.


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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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MICHAEL W. DEGEN
CLERK U.S. DISTRICT COURT

LAWRENCE E. JAFFE PENSION PLAN, On)
Behalf of Itself and All Others Similarly)
Situating,)
)
Plaintiff,)
)
vs.)
)
HOUSEHOLD INTERNATIONAL, INC., et al.,)
)
Defendants.)

Lead Case No. 02-C-5893
(Consolidated)

CLASS ACTION

Judge Ronald A. Guzman
Magistrate Judge Nan R. Nolan

DOCKETED
JUL 09 2003

MOTION FOR LEAVE TO FILE RECENT CIRCUIT COURT DECISION

1. Plaintiffs respectfully request leave to file *Gebhardt v. ConAgra Foods, Inc.*, No. 02-3130NE, 2003 U.S. App. LEXIS 13257 (8th Cir. June 30, 2003), attached hereto as Exhibit A.

2. The *Gebhardt* opinion addresses significant issues regarding causation and materiality of misrepresentations raised in Household Defendants' Motion to Dismiss the [Corrected] Amended Consolidated Class Action Complaint at 16 n.9, 30-31, 31 nn.20-21, and Defendant Arthur Andersen LLP's Motion to Dismiss Counts I, III and IV of Plaintiffs' [Amended] Consolidated Class Action Complaint at 4, 11-12.

3. The Eighth Circuit found that materiality is a question of fact for the jury and that "the quantity of a revenue overstatement, in and of itself, is not sufficient to be dispositive ... [where] [t]here was also a loss in net income, a figure that may be of more significance to investors." 2003 U.S. App. LEXIS 13257, at **10-15. In *Gebhardt*, revenues were overstated by 0.4%. *Id.* at **6, 13. With respect to causation, the Eighth Circuit declined to attach dispositive significance to the stock's price movements absent sufficient expert testimony, which the Court found it could not consider at the pleading stage. *Gebhardt*, 2003 U.S. App. LEXIS 13257, at **15-17. The *Gebhardt*

opinion, thus, supports arguments in Plaintiffs' Response to Household Defendants' Motion to Dismiss [Corrected] Amended Consolidated Class Action Complaint at §IV.C.3.c. and Plaintiffs' Response to Arthur Andersen LLP's Motion to Dismiss at §III.E.12-14.

DATED: July 2, 2003

Respectfully submitted,



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**SEE CASE
FILE FOR
EXHIBITS**