

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LAWRENCE E. JAFFE PENSION PLAN, On)	Lead Case No. 02-C-5893
Behalf of Itself and All Others Similarly)	(Consolidated)
Situated,)	
Plaintiff,)	<u>CLASS ACTION</u>
vs.)	Judge Ronald A. Guzman
HOUSEHOLD INTERNATIONAL, INC., et)	
al.,)	
Defendants.)	
_____)	

**AGREED MOTION FOR CLARIFICATION OF THE COURT'S
DECEMBER 6, 2012 ORDER REGARDING SUPPLEMENTAL NOTICE TO CLASS
MEMBERS WITH CLAIMS OF LESS THAN \$250,000 WHO FILED CLAIMS
THROUGH A CUSTODIAN BANK OR THIRD-PARTY FILER**

Plaintiffs hereby move for clarification of the Court's December 6, 2012 Order (the "Order") regarding supplemental notice to class members with claims of less than \$250,000.00 that filed through a custodian bank or third-party filer. Dkt. No. 1836. Defendants have agreed that plaintiffs' motion should be granted.

In the Order, the Court directed plaintiffs' counsel to "issue directly to class members the notice and claim form previously sent to them through a custodian bank or other agent" and gave plaintiffs' counsel until May 1, 2013 to do so. *Id.* at 1. Thus, under the plain language of the Order, plaintiffs' counsel must send to class members with claims of less than \$250,000.00 both the eight-page Notice of Verdict and the six-page Proof of Claim form.

On January 31, 2013, the parties met with the court-appointed Special Master. During the meeting, the parties discussed with the Special Master whether plaintiffs' counsel was required to send to class members the full-length Notice of Verdict and Proof of Claim form, or whether a one-page supplemental notice, similar in form to the Court-approved notice sent to class members with claims greater than \$250,000.00, would suffice. *See* Dkt. No. 1763 (May 31, 2011 Order approving one-page notice). Plaintiffs' counsel pointed to the literal language of the Order, which specifically directs plaintiffs' counsel to send both the "notice and claim form" to class members. Both parties and the Special Master agreed, however, that a one-page notice would be a more efficient manner in which to proceed.

Accordingly, the parties request clarification of the portion of the Order requiring plaintiffs' counsel to send to class members both the notice and claim form previously sent to them through a custodian bank or other agent. The parties jointly request that the Court allow plaintiffs' counsel to issue a one-page notice to affected class members, similar in form to the one-page supplemental notice that includes the reliance question previously approved by the Court and issued to class

members with claims greater than \$250,000.00. A copy of a proposed one-page notice is attached hereto as Exhibit A.

DATED: February 4, 2013

Respectfully submitted,

ROBBINS GELLER RUDMAN
& DOWD LLP
MICHAEL J. DOWD (135628)
SPENCER A. BURKHOLZ (147029)
DANIEL S. DROSMAN (200643)
LAWRENCE A. ABEL (129596)
MAUREEN E. MUELLER (253431)

s/ Michael J. Dowd

MICHAEL J. DOWD

655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

ROBBINS GELLER RUDMAN
& DOWD LLP
LUKE O. BROOKS (90785469)
JASON C. DAVIS (253370)
Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, CA 94104
Telephone: 415/288-4545
415/288-4534 (fax)

Lead Counsel for Plaintiffs

MILLER LAW LLC
MARVIN A. MILLER
LORI A. FANNING
115 S. LaSalle Street, Suite 2910
Chicago, IL 60603
Telephone: 312/332-3400
312/676-2676 (fax)

Liaison Counsel

LAW OFFICES OF LAWRENCE G.
SOICHER
LAWRENCE G. SOICHER
110 East 59th Street, 25th Floor
New York, NY 10022
Telephone: 212/883-8000
212/355-6900 (fax)

Attorneys for Plaintiff

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and employed in the City and County of San Diego, State of California, over the age of 18 years, and not a party to or interested party in the within action; that declarant's business address is 655 W. Broadway, Suite 1900, San Diego, California 92101.

2. That on February 4, 2013, declarant served by electronic mail and by U.S. Mail to the parties the following documents:

AGREED MOTION FOR CLARIFICATION OF THE COURT'S DECEMBER 6, 2012 ORDER REGARDING SUPPLEMENTAL NOTICE TO CLASS MEMBERS WITH CLAIMS OF LESS THAN \$250,000 WHO FILED CLAIMS THROUGH A CUSTODIAN BANK OR THIRD-PARTY FILER

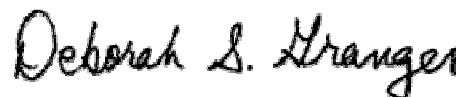
The parties' e-mail addresses are as follows:

TKavaler@cahill.com	Mrakoczy@skadden.com
PSloane@cahill.com	Rstoll@skadden.com
PFarren@cahill.com	Ldegrand@degrandwolfe.com
LBest@cahill.com	TWolfe@degrandwolfe.com
DOwen@cahill.com	MMiller@MillerLawLLC.com
JHall@cahill.com	LFanning@MillerLawLLC.com

and by U.S. Mail to:

Lawrence G. Soicher, Esq.
Law Offices of Lawrence G. Soicher
110 East 59th Street, 25th Floor
New York, NY 10022

I declare under penalty of perjury that the foregoing is true and correct. Executed this 4th day of February, 2013, at San Diego, California.



DEBORAH S. GRANGER