

**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,)	Case No. 02-C-5893
)	
Plaintiff,)	
)	Judge Jorge L. Alonso
v.)	
)	
HOUSEHOLD INTERNATIONAL, INC., <i>et al.</i> ,)	
)	
Defendants.)	

**AGREED MOTION FOR LEAVE FOR DEFENDANTS TO FILE AN OVERSIZE BRIEF
IN SUPPORT OF THEIR MOTION TO EXCLUDE THE TESTIMONY OF
PLAINTIFFS' EXPERT PROFESSOR DANIEL R. FISCHEL**

Defendants Household International Inc., William F. Aldinger, David A. Schoenholz, and Gary Gilmer, through their attorneys, respectfully move the Court on an agreed basis, for leave to file a memorandum of law of 25 pages in length in support of their Motion to Exclude the Testimony of Plaintiffs' Expert Professor Daniel R. Fischel. In support of this agreed motion, Defendants state as follows:

1. On September 8, 2015, this court issued an Order implementing the Seventh Circuit's procedure on remand with respect to loss causation and setting a deadline of September 23, 2015, for Plaintiffs to serve Dr. Fischel's supplemental report, and October 23, 2015, for Defendants to file a *Daubert* motion "explaining the perceived flaws in Dr. Fischel's analysis with respect to 'firm-specific non-fraud related information' and any other flaws that they perceive in his analysis that were not raised before and rejected by Judge Guzmán." (Dkt. No. 2042 at 6.)

2. On September 23, 2015, Plaintiffs served Fischel's supplemental report.

3. On October 23, 2015, Defendants intend to file a *Daubert* motion on the grounds that (i) Fischel's opinion in this case should be excluded for failure to meet the threshold requirement set forth by the Seventh Circuit that he explain in nonconclusory terms that no firm-specific, nonfraud related information contributed to the decline in stock price during the relevant time period; (ii) that Fischel's opinion fails to satisfy established *Daubert* standards applicable to valid expert testimony regarding loss causation; and (iii) if not excluded, Defendants have identified "significant, firm-specific, nonfraud related information that could have affected the stock price," and thus Fischel must, in accordance with the Seventh Circuit's directive, competently "account for that specific information or provide a loss-causation model that doesn't suffer from the same problem."

4. To address adequately the matters at issue in the motion to be filed on October 23, Defendants respectfully request leave to file a memorandum of law of up to 25 pages in length.

5. Plaintiffs' counsel do not object to Defendants filing a brief of up to 25 pages in length and have consented to this motion being filed as an agreed motion.

WHEREFORE, Defendants respectfully request that the Court grant this agreed motion and allow Defendants to file a memorandum of law of up to 25 pages in length.

Dated: October 16, 2015

Respectfully submitted,

/s/R. Ryan Stoll

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CERTIFICATE OF SERVICE

R. Ryan Stoll, an attorney, hereby certifies that on October 16, 2015, he caused true and correct copies of the foregoing to be served on counsel of record via the Court's ECF filing system.

/s/R. Ryan Stoll

R. Ryan Stoll