

**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, )	
	) <u>CLASS ACTION</u>
Plaintiff, )	
	) Honorable Jorge L. Alonso
vs. )	
	)
HOUSEHOLD INTERNATIONAL, INC., et )	
al., )	
	)
Defendants. )	
_____ )	

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

Plaintiffs, 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 Opposition to Defendants' Motion to Exclude the Testimony of Plaintiffs' Expert Professor Daniel R. Fischel. In support of this agreed motion, Plaintiffs 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 16, 2015 Defendants filed an 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 (Dkt. No. 2053). In this Motion Defendants moved the Court for leave to file a 25-page memorandum in support of their motion. On October 16, 2015 the Court granted Defendants' motion (Dkt. No. 2055).

4. On October 23, 2015, Defendants filed 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."

5. To address adequately the matters at issue in their opposition to be filed on November 23, 2015, Plaintiffs respectfully request leave to file a memorandum of law of up to 25 pages in length.

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

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

DATED: November 16, 2015

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CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2015, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Service List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 16, 2015.

s/ Spencer A. Burkholz

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