

**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,)
)
vs.)
)
HOUSEHOLD INTERNATIONAL, INC., et al.,)
)
Defendants.)
)

02-cv-5893 (Consolidated)
Honorable Jorge L. Alonso

**MOTION AND BRIEF FOR PAYMENT OF FEES AND EXPENSES
OF THE SPECIAL MASTER NO. 4**

Now comes Phillip S. Stenger, the Special Master (“Special Master”), by and through his attorneys, Stenger & Stenger, P.C., and hereby submits this Motion and Brief for Payment of Fees and Expenses of the Special Master No. 4 (“Compensation Motion No. 4”), and asks this Court to enter an Order for payment of the fees and expenses of the Special Master as outlined below:

1. On September 21, 2012, this Court issued a Memorandum Opinion and Order (“September 2012 Order”) [Dkt. No. 1822] appointing Phillip S. Stenger of Stenger & Stenger, P.C., as Special Master to identify in accordance with the Order: (i) the claims on which plaintiffs are entitled to judgment as a matter of law and the amount of each such allowed claim; (ii) the claims on which defendants are entitled to judgment as a matter of law; and (iii) the claims that must be resolved at trial.

2. On October 2, 2012, this Court issued a Statement (“October Statement”) [Dkt. No. 1831] clarifying the September 2012 Order, and providing that the Special Master shall undertake any and all proceedings necessary to make one or more report(s) and recommendations(s) (“R&R(s)”) to the Court:

A. Regarding defendants’ objections to certain claims included in the report of the Claims Administrator Gilardi & Co [Dkt. No. 1800], the referral of which to former Magistrate Judge Nolan has been withdrawn;

B. Identifying the claimants who are entitled to judgment as to liability and determining the amount of damages each such claimant should receive;

C. Identifying the claimants whose claims must be resolved at trial (i.e. those who responded “yes” to the claim form question, submitted duplicate claims with conflicting answers to the claim form question or submitted multiple claims with different answers to the claim form question); and

D. Identifying the claimants who forfeited their claims by failing to answer the claim form question and/or supplemental interrogatory.

3. The October Statement further provided that the Special Master would submit to the Court monthly statements of the reasonable fees and expenses incurred to carry out his duties, and that after the Court has reviewed and approved them, the parties will pay in equal shares the reasonable fees and expenses incurred by the Special Master.

4. The Special Master therefore submits the following monthly invoices for review and approval:

- A. Invoice for services from January 1, 2016, through January 31, 2016, for fees in the amount of \$3,667.00 and expenses in the amount of \$132.91, for a total due and owing of \$3,799.91 (Exhibit A);
- B. Invoice for services from February 1, 2016, through February 29, 2016, for fees in the amount of \$840.00 and expenses in the amount of \$3.00, for a total due and owing of \$843.00 (Exhibit B);
- C. Invoice for services from March 1, 2016, through March 31, 2016, for fees in the amount of \$180.00 and expenses in the amount of \$0.00, for a total due and owing of \$180.00 (Exhibit C);
- D. Invoice for services from April 1, 2016, through April 30, 2016, for fees in the amount of \$240.00 and expenses in the amount of \$0.00, for a total due and owing of \$240.00 (Exhibit D);
- E. Invoice for services from May 1, 2016, through May 31, 2016, for fees in the amount of \$720.00 and expenses in the amount of \$0.00, for a total due and owing of \$720.00 (Exhibit E); and
- F. Invoice for services from June 1, 2016, through June 30, 2016, for fees in the amount of \$1,020.00 and expenses in the amount of \$0.00, for a total due and owing of \$1,020.00 (Exhibit F).

WHEREFORE, the Special Master respectfully requests that this Court enter an Order directing the parties to pay the Special Master the aggregate sum of \$6,667.00 in fees and \$135.91 in expenses, for a total sum of \$6,802.91 for the period from January 1, 2016, through June 30, 2016, to be split equally between the parties.

Respectfully submitted:

STENGER & STENGER, P.C.

Dated: August 29, 2016.

By: /s/ Kay Griffith Hammond
Kay Griffith Hammond (P37425)
Attorney for Phillip S. Stenger, Special Master
2618 East Paris Avenue, SE
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Facsimile: 616-940-1192
E-mail: kay@stengerlaw.com

CERTIFICATE OF SERVICE

Kay Griffith Hammond, an attorney, hereby certifies that on August 29, 2016, I authorized the electronic filing of the foregoing **Motion and Brief for Payment of Fees and Expenses of the Special Master No. 4** with the Clerk of the Court using the Court's CM/ECF filing system, which will send notification of such filing to the e-mail addresses of the counsel of record denoted on the attached Electronic Mail Notice List, and I caused true and correct copies of the foregoing to be served by First Class mail on the non-ECF filers in this action denoted on the Manual Notice List immediately following the Electronic Mail Notice List.

Dated: August 29, 2016.

By: /s/ Kay Griffith Hammond

Kay Griffith Hammond (P37425)

STENGER & STENGER, P.C.

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**Service List for Case 1:02-cv-05893
Jaffe v. Household Intl Inc, et al**

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Lawrence E. Jaffe Pension Plan vs. Household International, Inc., et al.
Case No. 02-cv-5893

**INDEX OF EXHIBITS
TO
MOTION AND BRIEF FOR PAYMENT OF FEES AND EXPENSES OF THE
SPECIAL MASTER NO. 4**

- A. Invoice for Services from January 1, 2016 through January 31, 2016;
- B. Invoice for Services from February 1, 2016 through February 29, 2016;
- C. Invoice for Services from March 1, 2016 through March 31, 2016;
- D. Invoice for Services from April 1, 2016 through April 30, 2016;
- E. Invoice for Services from May 1, 2016 through May 31, 2016; and
- F. Invoice for Services from June 1, 2016 through June 30, 2016.

Lawrence E. Jaffe Pension Plan vs. Household International, Inc., et al.
Case No. 02-cv-5893

EXHIBIT A
TO
MOTION AND BRIEF FOR PAYMENT OF FEES AND EXPENSES OF THE
SPECIAL MASTER NO. 4

Invoice for Services from January 1, 2016 through January 31, 2016

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Invoice submitted to:

Jaffe Pension Plan v. Household International

February 29, 2016

Invoice # 19211

Professional Services through January 31, 2016

		<u>Hrs/Rate</u>	<u>Amount</u>
1/6/2016	KGH Review professional fees for December 2015. Update special master's compensation motion #3 and brief. Draft proposed order for payment. Conference with J. Hoag regarding filing and service of motion. Draft correspondence to Judge Alonso forwarding courtesy copies of motion and supporting documents and exhibits. Receive and review plaintiff's motion to strike expert rebuttal reports of A. Ferrell, C. James and B. Cornell, and notice of presentment of motion.	2.60 300.00/hr	780.00
	JLH Prepare courtesy copies of compensation motion # 3. Copy and save same to system.	0.40 110.00/hr	44.00
1/7/2016	KGH E-file special master's compensation motion #3, supporting brief and exhibits. Conference with J. Hoag regarding service copies. Finalize proposed order. Preparation of cover correspondence to Judge Alonso. Preparation of correspondence to counsel of record regarding motion and proposed order. Preparation of correspondence to P. Stenger regarding plaintiff's motion to strike expert rebuttal reports.	2.30 300.00/hr	690.00

Jaffe Pension Plan v. Household International

Page 2

		<u>Hrs/Rate</u>	<u>Amount</u>
1/7/2016	JLH Prepare and coordinate service of courtesy copies of compensation motion #3.	1.00 110.00/hr	110.00
1/11/2016	KGH Receive and review plaintiffs' reply in further support of motion to preclude defendants from substituting new experts, and declaration of D. Drosman in support of plaintiffs' reply. Preparation of correspondence to M. Dowd and R. Stoll regarding motion for payment of special master's fees. Draft and e-file notice of presentment of motion. Conferences with M. Dowd and M. Racokszky regarding consent to entry of order granting compensation request. Edit proposed order. Draft stipulation.	2.50 300.00/hr	750.00
1/12/2016	KGH Draft stipulation to entry of order granting motion for payment of fees and expenses of special master #3. Correspondence exchanges with opposing counsel regarding same. Finalize and e-file stipulation. Preparation of correspondence to Judge Alonso regarding same. Preparation of correspondence to attorneys of record serving copy of same. Receive and review correspondence from N. Fratto regarding proposed order. Preparation of correspondence to Judge Alonso forwarding copy of same.	1.60 300.00/hr	480.00
	JLH Coordinate service of notice of motion.	0.30 110.00/hr	33.00
1/13/2016	KGH Receive and review docketed order granting special master's compensation motion #3. Preparation of correspondence to R. Silk regarding processing. Preparation of correspondence to P. Stenger regarding same and status of underlying action.	0.60 300.00/hr	180.00
1/15/2016	KGH Receive and review defendants' response in opposition to plaintiffs' motion to strike expert rebuttal reports. Receive and review stipulation and order setting pretrial schedule. Preparation of correspondence to team regarding recent filings.	0.60 300.00/hr	180.00
1/20/2016	KGH Conference with J. Hoag regarding outstanding fees. Correspondence exchanges with M. Rakoczy regarding same. Preparation of correspondence to J. Hoag regarding fee invoices.	0.80 300.00/hr	240.00
1/21/2016	KGH Conference with J. Hoag and correspondence exchanges with M. Rakoczy regarding Skadden Arps' share of Special Master's professional fees.	0.60 300.00/hr	180.00
	For professional services rendered	<u>13.30</u>	<u>\$3,667.00</u>
	Additional Charges :		
1/1/2016			67.11
	PACER Charges: Public Access to Court Records		32.20

Jaffe Pension Plan v. Household International

Page 3

	<u>Amount</u>
1/1/2016 Document Imaging. 168 images X \$0.20	33.60
Total costs	<u>\$132.91</u>
Total amount of this bill	<u><u>\$3,799.91</u></u>

<u>Name</u>	<u>Summary</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Jamie L. Hoag		1.70	110.00	\$187.00
Kay Griffith Hammond		11.60	300.00	\$3,480.00

Lawrence E. Jaffe Pension Plan vs. Household International, Inc., et al.
Case No. 02-cv-5893

EXHIBIT B
TO
MOTION AND BRIEF FOR PAYMENT OF FEES AND EXPENSES OF THE
SPECIAL MASTER NO. 4

Invoice for Services from February 1, 2016 through February 29, 2016

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Invoice submitted to:

Jaffe Pension Plan v. Household International

March 15, 2016

Invoice # 19211

Professional Services through February 29, 2016

		<u>Hrs/Rate</u>	<u>Amount</u>
2/1/2016	KGH Receive and review opinion and order denying plaintiffs' motion to preclude defendants from substituting experts; plaintiffs' motion to strike the rebuttal reports of defendants' experts; and defendants' <i>Daubert</i> motion to exclude the testimony of plaintiffs' expert, Professor Fischel. Preparation of correspondence to P. Stenger regarding same.	1.00 300.00/hr	300.00
2/8/2016	KGH Receive and review amended stipulation and proposed order setting pretrial schedule. Preparation of correspondence to P. Stenger regarding same.	0.20 300.00/hr	60.00
2/10/2016	KGH Review professional fees for January 2016.	0.20 300.00/hr	60.00
2/24/2016	KGH Receive and review defendant Schoenholz's motion for partial summary judgment on liability, statement of facts and memorandum in support of motion. Preparation of correspondence to P. Stenger regarding same. Receive and review defendant Gilmore's motion for partial summary judgment, supporting facts and memorandum. Receive and review defendant W. Aldinger's motion for partial summary judgment, supporting memorandum and statement of	1.40 300.00/hr	420.00

Jaffe Pension Plan v. Household International

Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
undisputed material facts. Preparation of correspondence to P. Stenger regarding same.		
For professional services rendered	2.80	\$840.00
Additional Charges :		
2/1/2016 PACER Charges: Public Access to Court Records		3.00
Total costs		<u>\$3.00</u>
Total amount of this bill		<u><u>\$843.00</u></u>

<u>Name</u>	<u>Summary</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Kay Griffith Hammond		2.80	300.00	\$840.00

Lawrence E. Jaffe Pension Plan vs. Household International, Inc., et al.
Case No. 02-cv-5893

EXHIBIT C
TO
MOTION AND BRIEF FOR PAYMENT OF FEES AND EXPENSES OF THE
SPECIAL MASTER NO. 4

Invoice for Services from March 1, 2016 through March 31, 2016

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Invoice submitted to:

Jaffe Pension Plan v. Household International

April 06, 2016

Invoice # 19211

Professional Services through March 31, 2016

		<u>Hrs/Rate</u>	<u>Amount</u>
3/8/2016	KGH Review professional fees for February 2016.	0.20 300.00/hr	60.00
3/17/2016	KGH Receive and review defendants' motion to withdraw their prior motions for partial summary judgment.	0.20 300.00/hr	60.00
3/31/2016	KGH Receive and review plaintiffs' omnibus motion to exclude defendants' experts, and declaration of D. Drosman in support of motion.	0.20 300.00/hr	60.00
For professional services rendered		0.60	\$180.00

Summary				
<u>Name</u>	<u>Summary</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Kay Griffith Hammond		0.60	300.00	\$180.00

Lawrence E. Jaffe Pension Plan vs. Household International, Inc., et al.
Case No. 02-cv-5893

EXHIBIT D
TO
MOTION AND BRIEF FOR PAYMENT OF FEES AND EXPENSES OF THE
SPECIAL MASTER NO. 4

Invoice for Services from April 1, 2016 through April 30, 2016

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Invoice submitted to:

Jaffe Pension Plan v. Household International

June 10, 2016

Invoice # 19211

Professional Services through April 30, 2016

	<u>Hrs/Rate</u>	<u>Amount</u>
4/25/2016 KGH Receive and review parties pre-trial motions in limine and supporting memoranda.	0.80 300.00/hr	240.00
For professional services rendered	0.80	\$240.00

Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Kay Griffith Hammond	0.80	300.00	\$240.00

Lawrence E. Jaffe Pension Plan vs. Household International, Inc., et al.
Case No. 02-cv-5893

EXHIBIT E
TO
MOTION AND BRIEF FOR PAYMENT OF FEES AND EXPENSES OF THE
SPECIAL MASTER NO. 4

Invoice for Services from May 1, 2016 through May 31, 2016

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Invoice submitted to:

Jaffe Pension Plan v. Household International

July 01, 2016

Invoice # 19211

Professional Services through May 31, 2016

		<u>Hrs/Rate</u>	<u>Amount</u>
5/13/2016	KGH Receive and review minute entries for submission of exhibits listed in motions in limine, defendants' replies to motions in limine nos. 1 through 5, plaintiff's replies in further support of motions in limine no. 1 through 9, and declaration of L. Brooks in support of plaintiffs' replies.	1.00 300.00/hr	300.00
5/16/2016	KGH Receive and review Gilmore's amended proposed jury instructions and verdict form. Receive and review order for plaintiffs to deliver rebuttal reports and deposition transcripts referenced in their omnibus motion in limine to chambers.	0.40 300.00/hr	120.00
5/19/2016	KGH Receive and review minute entry regarding motion hearing and rulings on motions in limine. Receive and review plaintiffs' objections to defendants' additional proposed jury instructions	0.40 300.00/hr	120.00
5/20/2016	KGH Receive and review defendants' motion for reconsideration regarding order on motions in limine and for miscellaneous relief.	0.20 300.00/hr	60.00
5/27/2016	KGH Receive and review defendants' reply to plaintiffs' motions for reconsideration and for relief.	0.20 300.00/hr	60.00

Jaffe Pension Plan v. Household International

Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
5/31/2016 KGH Receive and review memorandum opinion and order granting defendants' motion for partial reconsideration.	0.20 300.00/hr	60.00
For professional services rendered	2.40	\$720.00

Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Kay Griffith Hammond	2.40	300.00	\$720.00

Lawrence E. Jaffe Pension Plan vs. Household International, Inc., et al.
Case No. 02-cv-5893

EXHIBIT F
TO
MOTION AND BRIEF FOR PAYMENT OF FEES AND EXPENSES OF THE
SPECIAL MASTER NO. 4

Invoice for Services from June 1, 2016 through June 30, 2016

STENGER & STENGER

A MICHIGAN PROFESSIONAL CORPORATION

PHILLIP S. STENGER
 ADMITTED IN MI, KY, MN, GA, CO & OH
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Invoice submitted to:

Jaffe Pension Plan v. Household International

July 13, 2016

Invoice # 19211

Professional Services through June 30, 2016

		<u>Hrs/Rate</u>	<u>Amount</u>
6/2/2016	KGH Receive and review defendants' notice of agreed corrected filing as to statement of prior proceedings. Receive and review minute entry regarding final pretrial conference.	0.20 300.00/hr	60.00
6/3/2016	KGH Receive and review defendants' amended exhibit list regarding pretrial order, amended exhibit regarding defendants' statement of the contested issues of fact and law regarding proposed pretrial order, plaintiffs' revised exhibit list to final pretrial order, and plaintiffs' revised statement of the contested issues of fact and law regarding proposed pretrial order.	0.80 300.00/hr	240.00
6/13/2016	KGH Correspondence exchange with D. Van Essen regarding status of proceedings on remand.	0.40 300.00/hr	120.00
6/17/2016	KGH Receive and review alert regarding HSBC Holdings PLC deal to resolve litigation. Preparation of correspondence to P. Stenger regarding same.	0.40 300.00/hr	120.00
6/21/2016	KGH Receive and review plaintiff's unopposed motion for preliminary approval of class action settlement, stipulation of settlement, memorandum in support of settlement. Receive and review	1.00 300.00/hr	300.00

Jaffe Pension Plan v. Household International

Page 2

		<u>Hrs/Rate</u>	<u>Amount</u>
correspondences from A. Sheaden regarding analysis of settlement provisions. Receive and review correspondences from D. Van Essen regarding same. Receive and review correspondences from P. Stenger regarding same.			
6/22/2016	KGH Review professional fees for May.	0.20 300.00/hr	60.00
6/27/2016	KGH Receive and review order preliminarily approving settlement and providing for notice. Receive and review status hearing summary and date for fairness hearing.	0.40 300.00/hr	120.00
For professional services rendered		<u>3.40</u>	<u>\$1,020.00</u>

Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Kay Griffith Hammond	3.40	300.00	\$1,020.00