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

**FILED**  
JUN 30 2005  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

LAWRENCE E. JAFFE PENSION PLAN, ON  
BEHALF OF ITSELF AND ALL OTHERS SIMILARLY  
SITUATED,

Plaintiff,

- against -

HOUSEHOLD INTERNATIONAL, INC., ET AL.,

Defendants.

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

Judge Ronald A. Guzman  
Magistrate Judge Nan R. Nolan

**MOTION FOR LEAVE TO FILE OVERSIZED  
MEMORANDUM OF LAW IN SUPPORT OF HOUSEHOLD  
DEFENDANTS' MOTION TO DISMISS PURSUANT TO  
THE SUPREME COURT'S RECENT DECISION IN  
DURA PHARMACEUTICALS, INC. v. BROUDO**

Defendants Household International, Inc., Household Finance Corp. and former officers and directors William F. Aldinger, David A. Schoenholz, Gary Gilmer, and J.A. Vozar (the "Household Defendants" or "Defendants"), by and through their attorneys, hereby move this Court pursuant to Northern District of Illinois Local Rule 7.1 for leave to file an oversized memorandum in support of their Motion to Dismiss Plaintiff's 154-page Corrected Amended Consolidated Class Action Complaint. In support thereof, the Household Defendants state as follows:

1. On March 13, 2003, plaintiff filed an Amended Consolidated Class Action Complaint (the “Amended Complaint”) that spans 154 pages and includes 398 numbered paragraphs. The Amended Complaint includes numerous allegations of securities fraud purporting to relate to an allegedly fraudulent scheme by the Household Defendants.

2. On April 19, 2005, the Supreme Court decided the case of *Dura Pharmaceuticals, Inc. v. Broudo*, 125 S. Ct. 1627 (2005) (“*Dura Pharmaceuticals*”), which is the first decision by the Supreme Court addressing the pleading requirements of the PSLRA for loss causation in a securities fraud case.

3. The *Dura Pharmaceuticals* decision rejected as “legally insufficient” the identical “price inflation” pleading and theory of recovery that is alleged by plaintiffs’ counsel in this case—who by coincidence was also plaintiffs’ counsel in the *Dura Pharmaceuticals* case.

4. Specifically, paragraph 349 of the Amended Complaint, which reads: “Plaintiffs and the class have suffered damages in that, in reliance on the integrity of the market, they paid artificially inflated prices for Household securities,” is indistinguishable from the corresponding pleading and theory of recovery rejected in *Dura Pharmaceuticals*.

5. As a result, the Amended Complaint in this case is subject to dismissal in its entirety for the same reasons established by the Supreme Court, and the Household Defendants accordingly seek this relief by the instant motion.

6. Comprehensively addressing the new law announced in *Dura Pharmaceuticals* and the basis for dismissal of the 154 page Amended Complaint requires more than the fifteen pages permitted under Local Rule 7.1.

7. Accordingly, Defendants respectfully request that this Court allow the Defendants to file their memorandum of law in excess of fifteen pages. A copy of Defendants' Motion To Dismiss Pursuant To The Supreme Court's Recent Decision in *Dura Pharmaceuticals v. Broudo* and the proposed 21 page Memorandum of Law in Support thereof are attached hereto.

8. The Household Defendants sought the consent of plaintiffs' counsel to file a memorandum of law for this purpose that exceeds the fifteen pages permitted under Local Rule 7.1.

9. In response, plaintiffs' counsel refused to consent to anything unless the Household Defendants agreed to change the statutory basis of the motion to one of plaintiffs' choosing, specifically from a motion pursuant to Federal Rule 12(b)(6) to Rule 12(c). According to plaintiffs' counsel: "It is obvious that the only reason for defendants' want [sic] to file a 12(b) motion, instead of a FRCP 12(c) motion for judgment on the pleadings, is to then improperly request a stay on discovery."

10. Because the statutory basis for the motion and Defendants' entitlement to a stay of discovery pursuant to the PSLRA and the Federal Rules is not a relevant consideration to the appropriate length of briefing on any motion to dismiss, plaintiffs' counsels' opposition to what is a mere six page extension is indefensible.

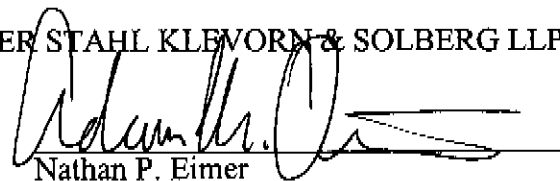
WHEREFORE, for the reasons stated above, Defendants respectfully request that they be granted leave to file a Memorandum of Law in Support of their Motion to Dismiss of 21 pages.

Dated: June 30, 2005  
Chicago, Illinois

Respectfully submitted,

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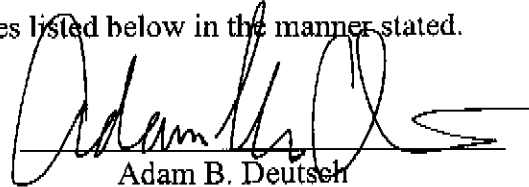
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A. Vozar*

**CERTIFICATE OF SERVICE**

Adam B. Deutsch, an attorney, certifies that on June 30, 2005, he served copies of Household Defendants' Motion for Leave to File Oversized Memorandum of Law in Support of Household Defendants' Motion to Dismiss Pursuant to The Supreme Court's Recent Decision in *Dura Pharmaceuticals, Inc. v. Broudo*, to the parties listed below in the manner stated.



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