

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

FILED

JUL - 7 2005 WH

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

LAWRENCE E. JAFFE PENSION PLAN,
on Behalf of Itself and All Others Similarly
Situated,

Plaintiff,

v.
HOUSEHOLD INTERNATIONAL, INC., et al.

Defendants.

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

CLASS ACTION

Judge Ronald A. Guzman
Magistrate Judge Nan R. Nolan

NOTICE OF FILING

PLEASE TAKE NOTICE that, on July 7, 2005, we filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, a Memorandum of Law in Opposition to Lead Plaintiffs' Motion to Compel the Household Defendants to Produce Source Logs for Documents Produced in this Litigation, a copy of which is attached hereto.

Respectfully submitted,

By:

Nathan P. Eimer
Adam B. Deutsch
Eimer Stahl Klevorn & Solberg LLP
224 S. Michigan Avenue, Suite 1100
Chicago, Illinois 60604
(312) 660-7600

*Attorneys for Household International, Inc.,
Household Finance Corporation, William F.
Aldinger, David A. Schoenholz, Gary
Gilmer, and J.A. Vozar*

FILED

JUL - 7 2005 WM

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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)

CLASS ACTION

Judge Ronald A. Guzman
Magistrate Judge Nan R. Nolan

**MEMORANDUM OF LAW IN OPPOSITION TO LEAD
PLAINTIFFS' MOTION TO COMPEL THE HOUSEHOLD
DEFENDANTS TO PRODUCE SOURCE LOGS FOR
DOCUMENTS PRODUCED IN THIS LITIGATION**

CAHILL GORDON & REINDEL LLP
80 Pine Street
New York, New York 10005
(212) 701-3000

EIMER STAHL KLEVORN & SOLBERG LLP
224 South Michigan Ave.
Suite 1100
Chicago, Illinois 60604
(312) 660-7600

*Attorneys for Defendants Household
International, Inc., Household Finance
Corporation, William F. Aldinger, David A.
Schoenholz, Gary Gilmer and J.A. Vozar*

This memorandum is submitted on behalf of defendants Household International, Inc., Household Finance Corporation, William F. Aldinger, David A. Schoenholz, Gary Gilmer and J.A. Vozar (collectively, "Defendants") in opposition to Lead Plaintiffs' Motion to Compel the Household Defendants to Produce Source Logs for Documents Produced in this Litigation.

This is one of three discovery motions which Plaintiffs made before they had adequately met and conferred with Defendants. Plaintiffs' motion purports to require the Court's intervention to "compel" the production of "source logs." As with most of the other matters raised in Plaintiffs' three motions, this motion was unnecessary when it was made, and it remains unnecessary today. Indeed, this motion was not even mentioned by Plaintiffs when they advised the Court on June 1, 2005 that they intended to file two discovery motions. Following a meet and confer directed by the Court during the June 9, 2005 conference, Defendants, as a further effort to avoid burdening the Court, produced such a log to Plaintiffs, rendering Plaintiffs' motion moot. Defendants also revised that log at Plaintiffs' request on June 30, 2005.

Although having nothing to do with "source logs," Plaintiffs continue to press this motion insofar as they demand that Defendants certify "completion" of the production in response to Plaintiffs' First Request for Production of Documents to Household Defendants ("Plaintiffs' First Document Demand").¹ Plaintiffs' request is premature.

In response to Plaintiffs' First Document Demand, Defendants have devoted more than 9,000 hours to, *inter alia*, identifying, scheduling and conducting interviews of more than 120 individuals, and collecting, reviewing and producing more than three million pages of responsive, non-privileged documents to Plaintiffs. This process is ongoing, and Plaintiffs know that. Indeed, Defendants have produced more than 200,000 pages in the last two months alone.

¹ Plaintiffs have withdrawn their premature motion to compel Defendants to produce source logs. See Exhibit A hereto (Letter of Luke O. Brooks, Esq. to Landis C. Best, Esq. dated July 1, 2005).

-2-

Furthermore, Plaintiffs have served a Second Document Demand, which substantially overlaps with and/or expands upon requests asserted in Plaintiffs' First Document Demand. Such overlapping requests further interfere with Defendants' ability to "certify" completion as to Plaintiffs' First Document Demand.

Most significantly, there are two other discovery motions now before this Court relating to Defendants' responses to Plaintiffs' First Document Demand. Collection and production of native format emails responsive to Plaintiffs' First Document Demand has not yet begun—and must await the Court's ruling on the proper scope of the search. Privilege issues also remain to be resolved in Plaintiffs' other discovery motion. It is incomprehensible for Plaintiffs to seek "certification" of production relating to Plaintiffs' First Document Demand while motions related to what documents need to be produced are pending before the Court.

CONCLUSION

For the foregoing reasons, Plaintiffs' motion should be denied.

-3-

Dated: July 7, 2005
Chicago, Illinois

EIMER STAHL KLEVDORN & SOLBERG LLP

By: 

Nathan P. Eimer

Adam B. Deutsch

224 South Michigan Ave.

Suite 1100

Chicago, Illinois 60604

(312) 660-7600

-and-

CAHILL GORDON & REINDEL LLP

80 Pine Street

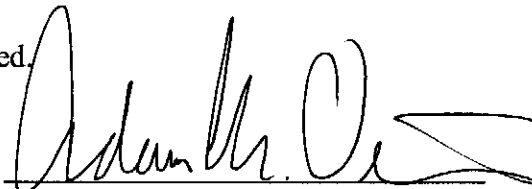
New York, New York 10005

(212) 701-3000

*Attorneys for Defendants Household International,
Inc., Household Finance Corporation, William F.
Aldinger, David A. Schoenholz, Gary Gilmer and
J.A. Vozar*

CERTIFICATE OF SERVICE

Adam B. Deutsch, an attorney, certifies that on July 7, 2005, he served copies of a Memorandum of Law in Opposition to Lead Plaintiffs' Motion to Compel the Household Defendants to Produce Source Logs for Documents Produced in this Litigation and Notice of Filing to the parties listed below via the manner stated.



Adam B. Deutsch

Via Federal Express

Marvin A. Miller
Jennifer Winter Sprengel
Lori A. Fanning
MILLER FAUCHER and CAFFERTY LLP
30 North LaSalle Street, Suite 3200
Chicago, Illinois 60602
(312) 782-4880
(312) 782-4485 (fax)

Via Federal Express

Stanley J. Parzen
Lucia Nale
Susan Charles
MAYER BROWN ROWE & MAW LLP
71 S. Wacker Drive
Chicago, Illinois 60606
(312) 782-0600
(312) 701-7711 (Fax)

Via E-Mail and Federal Express

Patrick J. Coughlin
Azra Z. Mehdi
Luke O. Brooks
LERACH COUGHLIN STOIA
& ROBBINS LLP
100 Pine Street, Suite 2600
San Francisco, California 94111
(415) 288-4545
(415) 288-4534 (fax)

EXHIBIT A

Jul-01-05 01:31pm From-



SAN DIEGO • SAN FRANCISCO
LOS ANGELES • NEW YORK • BOCA RATON
WASHINGTON, DC • HOUSTON
PHILADELPHIA • SEATTLE

Luke O. Brooks
LukeB@lerachlaw.com

July 1, 2005

VIA FACSIMILE

Landis Best, Esq.
CAHILL GORDON & REINDEL LLP
Eighty Pine Street
New York, NY 10005-1702

Re: *Lawrence E. Jaffe Pension Plan v. Household International, Inc., et al.*
Case No. 02-CIV-5893 (N.D. Ill)

Dear Landis:

I write to provide an update regarding the on-going meet and confers relating to plaintiffs' three motions to compel.

Based on David Owen's June 30, 2005 representation that the Household Defendants will inform plaintiffs of the source of all documents produced by them going forward, plaintiffs are prepared to withdraw the portion of their motion seeking to compel production of source logs. Our withdrawal is contingent on the Household Defendants' agreement that the Household Defendants will identify the employee from whose files the documents were collected and produced, or, if the identity of the employee cannot be ascertained, the department from which the documents were collected and produced. With that in mind, please answer the following questions:

1. Which of the documents bearing the production numbers HHS 02429447-56 and HHS 02764359-5291 were collected from Household's Legal Department and which were collected from outside counsel? Also, please provide the identities of any individuals from whose files these documents were collected to the extent that information can be ascertained.
2. Which of the documents bearing production numbers HHS 03050081-5085, if any, were produced from the files of Margaret Sprude? Also, please provide the identities of any other individuals from whose files these documents were collected to the extent that information can be ascertained.
3. Which of the documents bearing production numbers HHS 03072256-3205 were produced from the files of Joan Coppenrath? Also, please provide the identities of any other

Jul-01-05 01:31pm From



Landis Best, Esq.
July 1, 2005
Page 2

individuals from whose files these documents were collected to the extent that information can be ascertained.

You have not given us your position regarding whether the Household Defendants will agree to certify that production responsive to each request in plaintiffs' first request of production of documents is complete. Plaintiffs therefore cannot withdraw the portion of their motion seeking this relief.

With regard to the motion for production of documents improperly withheld on the basis of privilege, it appears that the meet and confer process has been exhausted and the issues sufficiently narrowed for Judge Nolan. You represented during the last meet and confer on this issue that the Household Defendants will re-evaluate their subsequently produced logs and revise them in a manner consistent with our discussions. Please let us know when we will receive these revised logs and additional logs covering documents withheld from productions between February 18, 2005 and the present.

Finally, we are in receipt of David's June 30, 2005 letter regarding the native format production issues and will endeavor to provide you with a written response by Tuesday.

Very truly yours,

A handwritten signature in black ink, appearing to read "Luke O. Brooks".

Luke O. Brooks

LOB:mm

cc: Marvin Miller, Esq.
Adam Deutsch, Esq.

T:\Cases\SP\Household Int'l\Corres\Best_070105.doc



SAN DIEGO • SAN FRANCISCO
LOS ANGELES • NEW YORK • HOUSTON
WASHINGTON, D.C. • DALLAS
PHILADELPHIA • SEATTLE

FACSIMILE

	<u>Fax No.</u>	<u>Telephone No.</u>
To: Landis Best, Esq. Cahill Gordon & Reindel LLP	212/269-5420	212/701-3000
Adam B. Deutsch, Esq. Eimer Stahl Klevorn & Solberg LLP	312/692-1718	312/660-7600
Marvin A. Miller, Esq. Miller Faucher and Cafferty LLP	312/782-4485	312/782-4880

From: Luke Brooks

Date: July 1, 2005

Case Code: 020377-00001

Subject: *Jaffe v. Household International Inc., et al.*,
Case No. 02-CIV-5893 (N.D. Ill.)

Message/Document(s) faxed:

Please call fax operator at 415/676-4445 if all pages are not received.

ORIGINAL DOCUMENTS: Will follow by mail courier - OR - Will not follow unless requested.

CONFIDENTIALITY NOTE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

Number of pages being transmitted including the cover page: _____

FAX OPERATOR: Return originals to: Marcy

Ext: 4448