

**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,)	
) Judge Ronald A. Guzman
vs.)	Magistrate Judge Nan R. Nolan
)
HOUSEHOLD INTERNATIONAL, INC., et)	
al.,)	
)
Defendants.)	
_____)	

**LEAD PLAINTIFFS' REQUEST FOR NOTICE OF RECENT AUTHORITY AND
REQUEST FOR JUDICIAL NOTICE IN FURTHER SUPPORT OF LEAD
PLAINTIFFS' RESPONSE TO HOUSEHOLD DEFENDANTS' MOTION BASED ON
THE SUPREME COURT'S DECISION IN *DURA PHARMACEUTICALS, INC. v.
BROUDO***

1. On June 30, 2005, defendants Household International, Inc. (“Household” or the “Company”), Household Finance Corporation, William F. Aldinger, David A. Schoenholz, Gary Gilmer, J. A. Vozar filed a Motion to Dismiss Pursuant to the Supreme Court’s Recent Decision in *Dura Pharmaceuticals, Inc. v. Broudo* (“*Dura Motion*”).

2. On August 18, 2005, lead plaintiffs filed their Response to Household Defendants’ Motion Based on the Supreme Court’s Decision in *Dura Pharmaceuticals, Inc. v. Broudo* (“Lead Plaintiffs’ Response”).

3. On September 16, 2005, Household defendants filed their Reply Memorandum of Law in Further Support of their Motion to Dismiss Pursuant to the Supreme Court’s Recent Decision in *Dura Pharmaceuticals, Inc. v. Broudo*.

4. Since that time, several new decisions have been issued that impact this Court’s evaluation of defendants’ *Dura Motion*. Lead plaintiffs wish to bring these decisions to the Court’s attention. Accordingly, plaintiffs request that the Court take notice of this recent authority.

5. Additionally, lead plaintiffs also request that the Court take judicial notice of the fact that the Household defendants made statements in certain documents produced by Household. The fact that defendants made these statements is indisputable and accordingly, capable of judicial notice. That defendants made these statements is relevant to the Court’s consideration of defendants’ pending motion to dismiss pursuant to *Dura* – they establish that defendants had contemporaneous knowledge regarding loss causation that directly refutes their counsel’s factual arguments made in their *Dura Motion*.

6. Accordingly, for the reasons outlined in the Memorandum of Law in Support of Lead Plaintiffs’ Request for Notice of Recent Authority and Request for Judicial Notice in Further Support of Lead Plaintiffs’ Response to Household Defendants’ Motion Based on the Supreme

Court's Decision in *Dura Pharmaceuticals, Inc. V. Broudo*, filed concurrently herewith, plaintiffs request their motion be granted.

DATED: December 14, 2005

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DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and employed in the City and County of San Francisco, over the age of 18 years, and not a party to or interested party in the within action; that declarant's business address is 100 Pine Street, Suite 2600, San Francisco, California 94111.

2. That on December 14, 2005, declarant served by email the: **LEAD PLAINTIFFS' REQUEST FOR NOTICE OF RECENT AUTHORITY AND REQUEST FOR JUDICIAL NOTICE IN FURTHER SUPPORT OF LEAD PLAINTIFFS' RESPONSE TO HOUSEHOLD DEFENDANTS' MOTION BASED ON THE SUPREME COURT'S DECISION IN *DURA PHARMACEUTICALS, INC. v. BROUDO*** to the parties listed on the attached Service List. The parties' email addresses are as follows:

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I declare under penalty of perjury that the foregoing is true and correct. Executed this 14th day of December, 2005, at San Francisco, California.

/S/ Carolyn Burr

CAROLYN BURR

HOUSEHOLD INTERNATIONAL (LEAD)

Service List - 12/13/2005 (02-0377)

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