

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

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

**THE HOUSEHOLD DEFENDANTS' OPPOSITION TO
CLASS PLAINTIFFS' REQUEST FOR STATUS CONFERENCE**

The Household Defendants respectfully oppose "The Class' Request for a Status Conference" for the reasons set forth below.

1. Plaintiffs' request for a conference tomorrow (February 15, 2006) on what they call "a newly arisen privilege issue" should be denied pending adequate notice to the three federal agencies that own the mistakenly produced documents (and attendant privileges) and have demanded their immediate return by Plaintiffs' counsel.

2. For the Court's information on the background of this dispute and the government's interest in (a) the immediate return of its documents, and (b) the resolution of Plaintiffs' requests for release of bank regulators' files through appropriate administrative process, we are

annexing at Tab A copies of letters to Plaintiffs' counsel from the Office of the Comptroller ("OCC"), dated February 6, 2006, the Office of Thrift Supervision ("OTS"), dated February 2, 2006, and the Federal Deposit Insurance Corporation ("FDIC"), dated February 9, 2006, all of which Plaintiffs fail to mention in their Request for a Status Conference.

3. The Household Defendants have already provided Plaintiffs' counsel with a complete list and description of the documents subject to recall, a detailed explanation of the protections from disclosure set forth in the governing regulations, and redacted versions of any documents subject to recall only in part.

4. Under the governing regulations cited by the Agencies, Plaintiffs' wish to use some or all of the recalled material in this litigation will not be ripe for judicial consideration until each Agency has reached a determination on Plaintiffs' pending Requests for Release of Non-Published Information (in the case of OCC and OTS), or invited request (in the case of FDIC). In the meantime, Plaintiffs are obliged by federal regulations to return the mistakenly produced documents now — notwithstanding their purported reliance on the Protective Order in this action, which did not contemplate this situation and certainly does not limit the rights of non-party government Agencies to protect the confidentiality of their non-public information except upon a prescribed showing.

5. The Household Defendants are prepared to discuss the status of the pending administrative proceedings at the Court's convenience.

Dated: February 14, 2006
Chicago, Illinois

Respectfully submitted,

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CERTIFICATE OF SERVICE

Adam B. Deutsch, an attorney, certifies that on February 14, 2006, he served copies of The Household Defendants' Opposition to Class Plaintiffs' Request for Status Conference to the parties listed below via the manner stated.

/s/ Adam B. Deutsch

Adam B. Deutsch

Via E-mail and U.S. Mail

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