

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

**DECLARATION OF DAVID R. OWEN IN SUPPORT OF THE HOUSEHOLD
DEFENDANTS' MOTION FOR AN ORDER ENFORCING THE PROTECTIVE
ORDER AND FOR APPROPRIATE SANCTIONS**

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

DAVID R. OWEN declares and says:

1. I am a member of the bar of the State of New York and a member of the firm Cahill Gordon & Reindel LLP, attorneys for defendants Household International, Inc., Household Finance Corporation, William F. Aldinger, David A. Schoenholz, Gary Gilmer, and J.A. Vozar (the "Household Defendants") in this action. I submit this affidavit to place before the Court certain information and documents referenced in the Household Defendants' Motion for an Order Enforcing the Protective Order and Other Discovery Orders of This Court and for Appropriate Sanctions.

2. Attached hereto as Exhibit A is a true and correct copy of the Protective Order entered by Magistrate Judge Nolan on November 5, 2004.

3. From time to time, Plaintiffs have called Defendants' attention to documents that in their view were mistakenly designated as Confidential and/or privileged. As the Protective Order contemplates, Defendants have reviewed such material and withdrawn questioned designations if appropriate, and met and conferred with Plaintiffs to seek an informal resolution of any dispute.

4. Attached hereto as Exhibit B is a true and correct copy of the June 23, 2006 letter from Azra Mehdi, Esq. to David Owen, Esq.

5. Attached hereto as Exhibit C is a true and correct copy of the June 28, 2006 letter from Peter Hawkes, Esq. to Azra Mehdi, Esq.

6. Attached as Exhibit D is a true and correct copy of a June 30, 2006 email from Maria Morris, Esq. to Peter Hawkes, Esq.

7. Attached hereto as Exhibit E is a true and correct copy of the July 14, 2006 letter from Luke Brooks, Esq. to Samantha Sherman, Esq.

8. Attached hereto as Exhibit F is a true and correct copy of the July 25, 2006 letter from Azra Mehdi, Esq. to Kim Smith, Esq.


9. Attached hereto as Exhibit G is a true and correct copy of the July 27, 2006 letter from David Owen, Esq. to Azra Mehdi, Esq.

10. Attached hereto as Exhibit H is a true and correct copy of the July 27, 2006 letter from Joshua Newville, Esq. to Azra Mehdi, Esq.

11. I participated in a telephonic conference with Plaintiffs' counsel Luke Brooks, Esq. and Azra Mehdi, Esq. on August 1, 2006. During that conference, Plaintiffs refused to discuss Defendants' concerns regarding Plaintiffs' violations of the Protective Order. Plaintiffs refused to provide assurances that they would not use recalled documents unless and until any dispute regarding the privileged nature of those documents was resolved pursuant to Paragraph 30 of the Protective Order. Instead, Plaintiffs promised a letter responding to Defendants' concerns.

12. Attached hereto as Exhibit I is a true and correct copy of the August 4, 2006 letter from Jason Hall, Esq. to Bing Ryan, Esq.

13. Attached hereto as Exhibit J is a true and correct copy of the August 2, 2006 letter from Azra Mehdi, Esq. to David Owen, Esq.



David R. Owen

7th day of August, 2006.