

R. Civ. P. 30(d)(2), the court may authorize a deposition to proceed for more than seven hours upon a showing of good cause. *See Mother & Father v. Cassidy*, 338 F.3d 704, 712 (7th Cir. 2003). The Seventh Circuit has not considered when good cause exists to extend a deposition, but the Advisory Committee notes to Rule 30 suggest the following examples: (1) the witness needs an interpreter; (2) the examination will cover events occurring over a long period of time; (3) the witness will be questioned about numerous or lengthy documents (although "it is often desirable for the interrogating party to send copies of the documents to the witness sufficiently in advance of the deposition so that the witness can become familiar with them"); and (4) the examination reveals that documents have been requested but not produced. FED. R. CIV. P. 30, Advisory Committee notes, 2000 Amendment. The Advisory Committee notes also admonish that "[i]t is expected that in most instances the parties and the witness will make reasonable accommodations to avoid the need for resort to the court Preoccupation with timing is to be avoided." *Id.* See also *Condit v. Dunne*, 225 F.R.D. 100, 112 (S.D.N.Y. 2004).

Continuing their disturbing pattern in this case, the parties have been unable to reach an agreement on the timing of several depositions and have again burdened the court with their unprofessional dispute. Plaintiffs argue that Defendants improperly terminated Ms. Sodeika's deposition at the end of approximately seven hours and now seek court approval for extending not only her deposition, but also the depositions of the other six individuals, none of which has even begun yet. Plaintiffs also ask that Defendants provide them with resumes and/or documents showing each deponent's positions within Household.

1. Ms. Sodeika

Ms. Sodeika was Assistant to Mr. Gilmer, the President of Household Finance Corporation and Beneficial Finance Corporation, until February 2002, at which time she became Vice President, Consumer Lending Practices. Defendants have produced over 62,000 pages of documents from

Ms. Sodeika's files, including numerous email messages and handwritten notes. Plaintiffs claim that during the first seven hours of Ms. Sodeika's deposition, they diligently questioned her about such critical topics as (1) the settlement discussions with the Attorneys General ("AGs") and the resulting \$484 million settlement agreement; (2) communications with ACORN, the AGs, and the state regulators as to predatory lending complaints; (3) Household's efforts to develop lending "best practices"; and (4) Household's internal discussions on the foregoing topics. (Pl. Dep. Mot., at 8.)¹ Plaintiffs view Ms. Sodeika as a key witness and insist that they need additional time to cover the vast material and documents relating to her.

Defendants respond that Plaintiffs were "demonstrably unprepared to take Ms. Sodeika's deposition," and that their

examination of this witness was a model of inefficiency and avoidance of the merits in favor of such wasteful pursuits as establishing the job duties of witnesses already deposed, the attendees at (but not the substance of) meetings for which Plaintiffs have attendance lists, the recipients (but not the substance) of documents created or received by Ms. Sodeika showing the names of all 'cc's,' the timing (but not the substance) of events for which Plaintiffs have written chronologies, and Ms. Sodeika's non-recollection of individual passages in documents that she did not recall seeing in their entirety.

(Def. Dep. Resp., at 8, 9.)² Defendants cite several examples of such conduct, including (1) asking Ms. Sodeika questions about handwriting she said she did not recognize; (2) testing Ms. Sodeika's recollection as to when certain meetings occurred, though the dates were a matter of record; and (3) repeatedly asking Ms. Sodeika questions about documents she said she had never seen. (*Id.* at 10-11.) In Defendants' view, Plaintiffs have not shown good cause for extending the deposition time because they "ran the clock on irrelevant trivia" rather than "'front load[ing]' the most salient topics." (*Id.* at 9.) Plaintiffs, of course, deny this charge, insisting that "defendants' blunderbuss

¹ The Class' Memorandum in Support of Motion for Additional Deposition Time is cited as "Pl. Dep. Mot., at ___."

² The Household Defendants' Memorandum of Law in Opposition to Lead Plaintiffs' Motion for Additional Deposition Time is cited as "Def. Dep. Resp., at ___."

attacks are made frequently without any citation to the deposition transcript and prove to be false upon reading the transcript.” (Pl. Dep. Reply, at 5.)³

The court is unable to determine from these arguments whether Plaintiffs utilized their time efficiently, and doubts that a review of the deposition transcript would provide meaningful assistance. *See, e.g., Beneville v. Pileggi*, No. 03-474 JJF, 2004 U.S. Dist. LEXIS 13586, at *3 (D. Del. July 19, 2004) (denying request for additional deposition time where “Plaintiffs have not provided the Court with the deposition transcript” or any other evidence “by which [the court] might determine whether additional deposition time is necessary.”); *Security Ins. Co. v. Trust-mark Ins. Co.*, 218 F.R.D. 29, 32 (D. Conn. 2003) (“A review of the deposition transcript and the scope of the notice of deposition does not support defendant’s argument that more time is justified.”) Given the amount of resources already devoted to resolving the parties’ petty squabbles, moreover, the court declines to embark on such a time-consuming, burdensome, and wasteful review, particularly where the parties are disputing the length of at least six (and likely more) additional depositions. (Pl. Dep. Mot., at 11 (“[T]here are other depositions [aside from the seven identified in this motion] that will present this issue and thus, this guidance is necessary as soon as possible.”).)

Ms. Sodeika is obviously a crucial witness in this case, for both Plaintiffs and Defendants. The court finds that both parties have acted unreasonably in failing to reach an agreement on additional deposition time. Defendants abruptly terminated Ms. Sodeika’s deposition without further discussion, while Plaintiffs failed to indicate the exact amount of additional time they need to complete the examination – one seven-hour day – until filing their reply brief. (Pl. Dep. Reply, at 1.) In a case of this magnitude, it does not strike the court as unreasonable to expect that the depositions of key witnesses will take longer than seven hours. Plaintiffs have requested only one additional day to complete their inquiry into just five specific topics: (1) Ms. Sodeika’s involvement

³ The Reply Brief in Support of the Class’ Motion for Additional Deposition Time is cited as “Pl. Dep. Reply, at ___.”

in internal investigations, such as the Effective Rate Complaint and the Bellingham, Washington branch office investigations; (2) the settlement discussions with the AGs and the resulting \$484 million settlement agreement; (3) communications with the consumer group, ACORN, the AGs, and the various state regulators regarding predatory lending complaints; (4) the development of Household's "best practices"; and (5) Household's internal discussions on the foregoing topics. (*Id.* at 3.)

The court finds Plaintiffs' request reasonable and grants the motion to compel seven additional hours of deposition questioning for Ms. Sodeika. To ensure increased efficiency and to assist with witness preparation, Plaintiffs should identify for Defendants no later than one week prior to the deposition date the documents they intend to use during questioning. Failure to designate a particular document, however, will not preclude its use at the deposition absent a showing of bad faith. The court also orders Defendants to produce no later than one week prior to the deposition any existing resume for Ms. Sodeika or, to the extent none exists, a document summarizing her positions within Household and the corresponding dates. Plaintiffs may ask Ms. Sodeika questions about that resume or employment history, but any such time will be deducted from the seven hours.

2. Other Witnesses

Plaintiffs have not yet begun the depositions of the other six witnesses identified in this motion – i.e., Robin Allcock, Daniel Patelis, William F. Aldinger, Gary Gilmer, J.A. Vozar, and David A. Schoenholz – yet they still seek two days of testimony for each. The court agrees with Defendants that it would be premature to extend the deposition time before determining how much material Plaintiffs are actually able to cover during the seven-hour period. *See, e.g., General Elec. Co. v. Indemnity Ins. Co.*, No. 3:06-CV-232(CFD), 2006 WL 1525970, at *3 (D. Conn. May 25, 2006) (“[C]ourts have viewed Rule 26(b)(2) as containing an exhaustion requirement with regard

to moving for leave to extend a deposition.”); *Malec v. Trustees of Boston College*, 208 F.R.D. 23, 24 (D. Mass. 2002) (“[T]he better practice is for the deposition to go forward to determine how much is able to be covered in the seven hours and, then, if additional time is needed, for counsel to stipulate to extend the deposition for a specific additional time period.”) That said, the court does not want additional motions regarding the depositions of these or any other individuals.

Plaintiffs are thus ordered to produce to Defendants and the court no later than **August 18, 2006** a proposal setting forth the specific topics, in order of priority, they intend to cover at each deposition and the amount of time each topic should require. Based on Plaintiffs' current request for one additional day of testimony for these witnesses, they should not seek more than seven additional hours of deposition time.⁴ To ensure increased efficiency and to assist with witness preparation, Plaintiffs should identify for Defendants no later than one week prior to each deposition date the documents they intend to use during questioning. Failure to designate a particular document, however, will not preclude its use at a deposition absent a showing of bad faith. Defendants are ordered to produce no later than **August 15, 2006** any existing resumes for the witnesses or, to the extent none exists, documents summarizing their positions within Household and the corresponding dates. Questions regarding the witnesses' resumes or employment history must be included in the topic summaries.

The parties are then ordered to meet and confer to reach an agreement regarding each deposition length. If they are unable to do so, Plaintiffs may renew their motion as to specific deponents and topic requests, but only after they have exhausted the initial seven-hour period. The court reiterates that in a case of this magnitude, it is not unreasonable to expect that the depositions of key witnesses will take longer than seven hours. At the same time, “[t]he 7-hour rule

⁴ Nor should Plaintiffs seek more than seven additional hours of deposition time for any other witness, given that the individuals identified here represent Plaintiffs' “key” witnesses.

necessitates, especially in complex cases, that almost all depositions will be under-inclusive [and Plaintiffs] therefore must be selective and carefully decide how to apportion [their] time.” *In re Sulfuric Acid Antitrust Litig.*, 230 F.R.D. 527, 532 (N.D. Ill. 2005). The parties are again cautioned that they are most familiar with the details of their case and this court will not waste valuable judicial resources assessing the minutiae of deposition testimony. Plaintiffs’ motion for additional deposition time for the six witnesses who have not yet been deposed is denied without prejudice.

B. Motion to Compel Documents

Plaintiffs next seek to compel responses to their third document request nos. 1, 2, 6, 9-13, 16, 24, 27, 30, and 35. These requests seek (1) documents reflecting or describing the accounts and subaccounts in any Household general ledger; (2) documents reflecting Household’s various sales practices that the Class alleges were predatory, and the revenues earned through those practices; (3) documents evaluating the adequacy of Household’s credit loss reserves and documents relating to reaging or restructuring of loans; and (4) documents relating to Household’s “blitz purge” of documents. (Pl. Doc. Mot., at 1-2.)⁵ Defendants claim that (1) they have already produced documents responsive to request nos. 1, 2, 6, 9, 11, 12, and 35; (2) they already agreed to, and did in fact undertake a reasonable and good faith additional search for documents responsive to 10 of the 13 contested requests in any event (nos. 1, 2, 6, 9, 10, 12, 24, 27, 30, and 35); and (3) Plaintiffs’ motion seeks documents that simply do not exist. (Def. Doc. Resp., at 5-8.)⁶

Plaintiffs deny that the Third Request seeks documents that have already been produced, noting that Defendants expressly denied that the documents at issue were encompassed within

⁵ The Memorandum of Law in Support of the Class’ Motion to Compel Household Defendants to Produce Responsive Documents to the Class’ Third [Corrected] Request for Production is cited as “Pl. Doc. Mot., at ___.”

⁶ The Memorandum of Law in Opposition to Lead Plaintiffs’ Motion to Compel Household Defendants to Produce Response Documents is cited as “Def. Doc. Resp., at ___.”

the First and Second Requests. (Pl. Doc. Reply, at 11.)⁷ Plaintiffs also object that Defendants have improperly limited their production to documents from certain business units, as opposed to the entire Consumer Segment.⁸ Such information is relevant, Plaintiffs argue, “to be able to understand and fully assess Household’s financial situation on the consolidated level.” (*Id.* at 10.) As for Defendants’ assertion that they do not have documents responsive to several requests, Plaintiffs insist that Peter Sesterhenn, Household’s 30(b)(6) witness, testified that they do. (*Id.* at 3-4.) Defendants claim that Plaintiffs have simply misread Sesterhenn’s testimony, but Plaintiffs urge that, at a minimum, Defendants should submit an affidavit confirming that they have made a reasonable search for responsive documents and could not locate any.

The court obviously cannot order Defendants to produce documents that do not exist. See *Williams v. Schueler*, No. 04 C 65, 2006 U.S. Dist. LEXIS 43007, at *5 (E.D. Wis. June 23, 2006). Nor will the court require Defendants to re-produce any documents a second time. At the same time, Plaintiffs are entitled to some reasonable assurance that Defendants have in fact conducted a full and diligent search. With respect to any documents that Defendants claim do not exist, they are ordered to submit an affidavit setting forth the efforts they made to locate the documents and confirming that none could be found. Defendants are also ordered to direct Plaintiffs to the previously-produced documents they believe are responsive to request nos. 1, 2, 6, 9, 11, 12, and 35. Finally, Defendants are ordered to produce all documents relating to the entire Consumer Segment in responding to request nos. 1, 2, and 6 only. Plaintiffs’ motion to compel is otherwise denied.

⁷ The Reply in Support of the Class’ Motion to Compel Household Defendants to Produce Responsive Documents is cited as “Pl. Doc. Reply, at ___.”

⁸ Plaintiffs also object that Defendants have limited their production to documents within the Class Period in accordance with this court’s June 15, 2006 Order. Plaintiffs’ objections to that Order are pending before the district court.

C. Motion to Compel Interrogatory Responses

Plaintiffs finally seek to compel complete and responsive answers to their third set of interrogatory nos. 22, 23, 26, 28, 29, 32-34, 36, 38-42, 44, 52, 53, and 56. The court addresses them by category below.

1. Nos. 28, 34, and 39

Interrogatory nos. 28, 34, and 39 seek identification of written and oral public statements made over a four-year period regarding Household's charge-off policies, predatory lending, and financial losses due to that predatory lending. Defendants object that answering these interrogatories "would entail a company-wide investigation for every written and oral statement made by the corporation as a whole and by any of its thousands of employees," many of whom no longer work at the company. (Def. Int. Resp., at 3.)⁹ Plaintiffs respond that Defendants "can easily discover the vast majority of such statements by reviewing the files and speaking to members of Household's 'Responsible Lending Rapid Response Team,'" which gathered information and responded to customer inquiries regarding predatory lending allegations. (Pl. Int. Reply, at 2-3.)¹⁰ The court finds Plaintiffs' proposal reasonable to the extent it limits Defendants' inquiry to members of the Responsible Lending Rapid Response Team. Defendants are ordered to respond to interrogatory nos. 28, 34, and 39 based on information they obtain from those members. The individual named Defendants must likewise identify any public statements they made which are responsive to these interrogatories. Plaintiffs' motion to compel further responses to these interrogatories is denied.

⁹ The Memorandum of Law in Opposition to Lead Plaintiffs' Motion to Compel Household Defendants' Responses to Third Set of Interrogatories is cited as "Def. Int. Resp., at ___."

¹⁰ The Reply in Support of the Class' Motion to Compel Household Defendants' Responses to the Third Set of Interrogatories is cited as "Pl. Int. Reply, at ___."

2. Nos. 22, 23, 26, 38, and 44

Interrogatory nos. 22, 23, 26, 38, and 44 seek the identification of individuals most knowledgeable about, or responsible for certain subject matters. In response to these interrogatories, Defendants did identify several individuals by name, but they grouped other individuals into categories, such as "Members of the Audit Committee," "various members of Household management and members of the Board of Directors," the "Corporate Accounting Department," "Arthur Andersen LLP," and "KPMG." (Pl. Int. Mot., at 7 (citing Ex. K to Brooks Decl.).)¹¹ The court agrees that Defendants should identify specific individuals and not just categories of individuals. To the extent an entire committee made a certain decision, for example, Defendants should identify the names of the relevant committee members. Similarly, Defendants should identify specific individuals within Household, KPMG and Arthur Andersen who participated in the decision to restate Household's financial statements. With respect to the "core" group of individuals referenced in response to interrogatory no. 26, Defendants must at a minimum identify the individuals who participated in the benchmarking study. Such specificity is necessary to streamline and limit the number of depositions in this case. In that regard, the court cautions Plaintiffs that they have a limited number of depositions available and they will be responsible for prioritizing all of the names provided.

3. No. 52

Interrogatory no. 52 asks Defendants to define the term "predatory lending." Defendants have outlined the commonly-understood meanings of the term and need not provide any further definition or information. If Plaintiffs insist on obtaining further information about the definition and/or an attribution to specific Household employees, Plaintiffs must first provide Defendants with

¹¹ The Class' Memorandum in Support of Motion to Compel Household Defendants' Responses to the Third Set of Interrogatories is cited as "Pl. Int. Mot., at ___."

their own definition of "illegal predatory lending practices" as requested in Defendants' contention interrogatories, discussed below.

4. Nos. 29 and 33

Interrogatory nos. 29 and 33 ask Defendants to speculate as to what the financial impact on Household would have been if it had used "bank-like policies" between January 1, 1999 and December 31, 2002. Plaintiffs claim that Household considered changing some of its policies in 2002 "to become more bank-like," and that the company analyzed the impact such changes would have had on their financials. (Pl. Int. Mot., at 8, 9.) Defendants deny that they have any such statistics and argue that these hypothetical policies are irrelevant given that the majority of Household's business was not subject to banking guidelines. (Def. Int. Resp., at 8.)

To the extent Household did in fact study the impact of policy changes relating to the consumer lending business units at issue in this lawsuit, Defendants must produce those results. Plaintiffs' request that Defendants newly create some hypothetical assessment of policy changes, however, is denied. See *Micro Motion, Inc. v. Kane Steel Co.*, 894 F.2d 1318, 1328 (Fed. Cir. 1990) ("A litigant may not engage in merely speculative inquiries in the guise of relevant discovery.")

5. No. 36

Interrogatory no. 36 seeks all reasons why Household entered into the settlement agreement with the Attorneys General. Defendants identified (by reference to Bates number and speaker) the reasons given by Household executives when they announced the settlement, as well as the reasons set forth in the Consent Decrees. Plaintiffs insist that Defendants provide written responses, as opposed to references to documents. (Pl. Int. Mot., at 11.) The court agrees that Defendants should specifically list the reasons Household entered into the settlement agreement, even if it means repeating statements made in certain documents.

Defendants contend that any further response to this interrogatory is barred by the work-product doctrine. Plaintiffs disagree, characterizing the reasons as business decisions that are subject to disclosure. (Pl. Int. Mot., at 10 (citing *National Union Fire Ins. Co. v. Continental Illinois Group*, No. 85 C 7080, 1988 U.S. Dist. LEXIS 7826 (N.D. Ill. July 21, 1988).) In *National Union*, an insurance company sought to compel the defendant's general counsel and executive vice-president, Richard Brennan, to answer deposition questions about a recommendation he made to the Board of Directors – based on advice he received from outside counsel – to settle a prior lawsuit. *Id.* at *2. The defendant argued that the statements were privileged because they involved an attorney providing confidential advice to a client. *Id.* at *3. The court disagreed, finding that given the general counsel's dual role within the company, "the record strongly suggests that when Mr. Brennan met with the Board, he recommended a business decision (to settle and on certain terms) based on the advice of counsel. If this is so, the discussion at the Board meeting was not privileged." *Id.* at *3-4.

In this case, the court cannot determine from the parties' briefs whether Household settled the case on the advice of counsel, or pursuant to a business decision. Defendants are ordered to produce to the court *in camera* by **August 18, 2006** an explanation of the settlement decision-making process, the persons involved, and the basis for the claim of privilege.

6. Nos. 40-42

Interrogatory nos. 40-42 seek financial statistics related to Household's predatory lending practices. Defendants object that these requests are irrelevant, explaining that "[i]f a certain category of data was not tracked by management at the time, it stands to reason that it cannot form the basis for allegations that Defendants made false or misleading representations concerning that data during the Class Period." (Def. Int. Resp., at 11.) The court disagrees. Plaintiffs may not be

able to use the data to establish scienter, but it is still relevant to whether Household was engaging in the unlawful predatory practices.

Defendants also claim that the requests are overly burdensome because Household does not maintain such statistics in the ordinary course of business. In their motion to compel, Plaintiffs argued that Defendants should at a minimum provide the estimated cost of producing the requested data. (*Id.* at 12-13.) Defendants have submitted an affidavit from Diane Giannis, Director of Business Systems within HSBC Technology & Services (USA), Inc. ("HTS"), stating that HTS would have to develop a new software program to analyze customer account data, which would take approximately 56 business days and cost \$26,600. (Def. Int. Resp., at 11.) Plaintiffs argue that Ms. Giannis "has proven unable to accurately estimate the cost for such projects," noting that she previously estimated the cost of responding to certain of Plaintiffs' second set of interrogatories at \$23,000, but Defendants later indicated that the real cost was nothing for the period January 1, 1999 through October 5, 2002. (Pl. Int. Reply, at 12-13.)

On the current record, the court has no way of verifying the actual cost to Defendants of compiling the requested statistics. It is clear, however, that Household does not maintain the information in the ordinary course of business and will incur some associated expense. The parties are ordered to meet and confer to determine a fair estimate of the cost of producing the statistics, along with a proposal setting forth the amount each side is prepared to contribute. The parties must present the proposal to the court for review no later than **August 18, 2006**.

7. No. 49

Interrogatory no. 49 requests the "time period in which employees of Household utilized an 'effective rate' comparison to promote acceptance of the EZ Pay Plan." Defendants responded that on May 24, 2001 and multiple subsequent occasions, "all HFC Sales Offices and HFCPS Management were informed via Bulletin Board that the use of 'effective rate comparisons' was

expressly prohibited.” (Def. Int. Resp., at 13.) Defendants claim that providing any greater specificity would require them “to somehow determine every instance in which an effective rate comparison was used by a Household employee,” which “would require an office-by-office survey of every individual who worked at Household during the Class Period.” (*Id.*) Plaintiffs insist that Defendants may easily obtain such information by consulting the systems on which it tracked customer complaints. (Pl. Int. Reply, at 9.) According to Plaintiffs, Household’s Regulatory Compliance Risk Management Team “compiled a report containing detailed findings regarding effective rate complaint statistics by (a) state; (b) state and year; (c) branch number; (d) branch location and month; (e) month; and (f) a listing of all effective rate complaints.” (*Id.*)

To the extent the dates Plaintiffs seek are accessible through the effective rate complaint database, Defendants are ordered to produce them. If the dates are not accessible in this manner, Defendants are to submit an affidavit to that effect, explaining why not.

8. No. 53

Interrogatory no. 53 asks Defendants to “identify those Household business practices that fall within the definition of ‘predatory lending’ as it was used during” the Class Period. (Def. Int. Resp., at 13.) Defendants responded that Household did not endorse any predatory lending practices. (*Id.* at 13-14.) Plaintiffs object that Defendants should identify business practices that “would be characterized by the Company as ‘predatory lending practices,” in effect seeking a definition of “predatory lending.” (Pl. Int. Reply, at 14.) As noted, in response to interrogatory no. 52, Defendants outlined the commonly-understood meanings of this term and need not provide any further definition or information. If Plaintiffs insist on obtaining further information about the definition, Plaintiffs must first provide Defendants with their own definition of “illegal predatory lending practices” as requested in Defendants’ contention interrogatories, discussed below.

9. No. 56

Defendants refused to respond to interrogatory no. 56 on the grounds that Plaintiffs exceeded their maximum number of interrogatories. (Pl. Int. Mot., at 14.) This is yet another example of the incessant and childish bickering that has confronted this court for the past two years. The court will not condone such unprofessional behavior by participating in the parties' unnecessary counting dispute. Defendants are ordered to respond to interrogatory no. 56 and may in turn serve Plaintiffs with one additional interrogatory, for a total of 86. Plaintiffs may not serve any additional interrogatories on Defendants absent leave of court, upon a showing of good cause.

II. Defendants' Motion to Compel Interrogatory Responses

Defendants have filed a motion to compel responses to their contention interrogatories. Plaintiffs object that the interrogatories are premature, but nonetheless have provided answers to interrogatory nos. 9-14. Defendants insist that those answers are inadequate and demand complete responses.

"Basically, contention interrogatories require the answering party to commit to a position and give factual specifics supporting its claims." *Ziemack v. Centel Corp.*, No. 92 C 3551, 1995 WL 729295, at *2 (N.D. Ill. Dec. 7, 1995). The general policy is to defer contention interrogatories until discovery is near an end, but courts have discretion to allow use of such interrogatories before discovery is complete. *Thomas & Betts Corp. v. Panduit Corp.*, No. 93 C 4017, 1996 U.S. Dist. LEXIS 4494, at *7 (N.D. Ill. Apr. 8, 1996). "When one party poses contention interrogatories after considerable discovery, and the opposing party refuses to answer the interrogatories, courts routinely compel the resisting party to answer the interrogatories." *Calobrace v. American Nat'l Can Co.*, No. 93 C 999, 1995 U.S. Dist. LEXIS 1371, at *3 (N.D. Ill. Feb. 3, 1995) (citing *Rusty Jones, Inc. v. Beatrice Co.*, No. 89 C 7381, 1990 WL 139145, at *2 (N.D. Ill. Sept. 14, 1990)).

Plaintiffs have now received more than four million pages of documents and have taken more than 20 depositions. Discovery has not yet closed, but that is in large measure due to the parties' constant bickering and inability to comport themselves properly over the past two years. The court plans to set a final discovery cut-off date at the next status hearing on August 10, 2006. That date will not be extended except for good cause shown. The court orders Plaintiffs to answer any contention interrogatories at issue here two months prior to the close of fact discovery as stated at the status hearing. By that time, Plaintiffs' theories should be well-developed and Plaintiffs should be able to articulate their positions in this case. The court notes that interrogatories seeking the identification of witnesses and documents are not contention interrogatories and must be answered immediately. *B. Braun Med. Inc. v. Abbott Labs.*, 155 F.R.D. 525, 527 (E.D. Pa. 1994).

As for Plaintiffs' answers to interrogatory nos. 9-14, the court finds that no further response is required, aside from any necessary supplementation pursuant to FED. R. CIV. P. 26(e)(2). In responding to interrogatory no. 9, Plaintiffs did not provide a precise definition for the phrase "illegal predatory lending," but they have identified the Household practices that they contend constitute illegal predatory lending, which is sufficient for this question.¹² Interrogatory nos. 10-14 ask Plaintiffs to identify whether certain terms referenced in Plaintiffs' interrogatories – i.e., discount points, single premium credit insurance, prepayment penalties, use of E-Z Pay, and origination of second loans at interest rates in excess of 20% – fall within the definition of "illegal predatory lending" as used in the Complaint. Defendants object that Plaintiffs have merely stated that these terms do constitute illegal predatory lending without providing any information as to which specific

¹² The court reminds Plaintiffs that in the event they insist on obtaining further definition of the term "predatory lending" from Defendants, they will likewise be required to provide further response to this interrogatory.

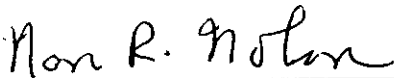
products and revenues Plaintiffs claim derived from those illegal practices. (Def. Mot., at 10-11.)¹³ The court agrees that Defendants are entitled to such information, but the interrogatories as written do not clearly request it. Defendants may thus submit up to five additional and more specific interrogatories on these issues no later than **September 15, 2006**.¹⁴ Their request for further responses to interrogatory nos. 10-14 as written, however, is denied.

CONCLUSION

For the reasons stated above, Plaintiffs' motion for additional deposition time [Doc. 559], motion to compel responses to interrogatories [Doc. 551], and motion to compel document requests [Doc. 555] are all granted in part and denied in part. Defendants' motion to compel interrogatory responses [Doc. 543] is also granted in part and denied in part.

ENTER:

Dated: August 10, 2006



NAN R. NOLAN
United States Magistrate Judge

¹³ The Memorandum of Law in Support of the Household Defendants' Motion to Compel Responses to Household Defendants' Second Set of Interrogatories is cited as "Def. Mot., at ___."

¹⁴ This is in addition to the one additional interrogatory Defendants may serve in exchange for answering Plaintiffs' interrogatory no. 56.