

**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.)	
_____)	

**THE CLASS' OPPOSITION TO HOUSEHOLD'S MOTION FOR LEAVE TO FILE
RESPONSE TO THE CLASS' MOTION UNDER LOCAL RULE 26.2**

The Class hereby responds to Household's Motion for Leave to File a Response to the Class' Motion under Local Rule 26.2 for leave to file appendix under seal. The Motion for Leave to File should be denied as Household has failed to provide any reasonable explanation for its failure to comply with the Court's schedule and its untimely filing prejudices the Class. Further, the "Response" should be stricken as procedurally improper in that it seeks affirmative relief and thus, is more properly styled a motion.

Household's filing is untimely. On September 19, the Court clearly stated that Household was to file its opposition to the Class' Motion by September 26. Household acknowledges that it was aware of the filing date and claims to have "inadvertently" not filed a response. There is no explanation underlying the conclusory statement in its brief and thus, the Court should not accept it. Further, this flimsy excuse does not justify the late filing or provide "good cause" for the Court to excuse the late filing.

Significantly, this late filing prejudices the Class, which now has less than one week to respond to the "Response." This shortened time is particularly unfair given that the "Response" as noted above is not a response but really a self-contained motion that seeks affirmative relief via issuance of a "standing order." Moreover, as Household is aware, there are other pending motions and filings as well as the holiday of Yom Kippur such that the shortened time places additional unreasonable burdens on Class counsel. By means of its "inadvertent" failure to file, Household thus seeks a strategic advantage over the Class.

The "confidentiality" issue is not an insignificant one. As indicated by the recent change in the Court's Local Rules with respect to filing briefs and exhibits under seal, this Court is taking steps to reduce the burden on the Court with respect to information that is not truly confidential within the Seventh Circuit's case law on this issue. Household has throughout this proceeding sought to shield its documents from public disclosure and to make the Class' use of Household's documents and

testimony ever more difficult. The “standing order” sought in Household’s Response would alter the existing framework in a manner plainly at odds with the new change to the Local Rules and Judge Guzman’s own ruling in response to a prior motion under Local Rule 26.2 by the Class. August 30, 2006 Order, Docket No. 659. Such an order should be sought via independent motion and not via a Response to a Motion under Rule 26.2.

For the foregoing reasons, the Court should deny Household’s motion for leave to file its “Response.”

DATED: September 29, 2006

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
PATRICK J. COUGHLIN (90785466)
AZRA Z. MEHDI (90785467)
D. CAMERON BAKER (154452)
MONIQUE C. WINKLER (90786006)
LUKE O. BROOKS (90785469)
MARIA V. MORRIS (223903)
BING Z. RYAN (228641)

s/ Azra Z. Mehdi

AZRA Z. MEHDI

100 Pine Street, Suite 2600
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
WILLIAM S. LERACH
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

Lead Counsel for Plaintiffs

MILLER FAUCHER AND CAFFERTY LLP
MARVIN A. MILLER
30 North LaSalle Street, Suite 3200
Chicago, IL 60602
Telephone: 312/782-4880
312/782-4485 (fax)

Liaison Counsel

LAW OFFICES OF LAWRENCE G.
SOICHER
LAWRENCE G. SOICHER
110 East 59th Street, 25th Floor
New York, NY 10022
Telephone: 212/883-8000
212/355-6900 (fax)

Attorneys for Plaintiff

T:\CasesSF\Household Intl\REP00035302.doc

DECLARATION OF SERVICE BY EMAIL AND BY U.S. MAIL

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 September 29, 2006, declarant served by electronic mail and by U.S. Mail to the parties:

***THE CLASS' OPPOSITION TO HOUSEHOLD'S MOTION FOR LEAVE TO FILE
RESPONSE TO THE CLASS' MOTION UNDER LOCAL RULE 26.2***

The parties' email addresses are as follows:

TKavaler@cahill.com
PSloane@cahill.com
PFarren@cahill.com
LBest@cahill.com
DOwen@cahill.com
NEimer@EimerStahl.com
ADeutsch@EimerStahl.com
mmiller@millerfaucher.com
lfanning@millerfaucher.com

and by U.S. Mail to:

Lawrence G. Soicher, Esq.
Law Offices of Lawrence G. Soicher
110 East 59th Street, 25th Floor
New York, NY 10022

David R. Scott, Esq.
Scott & Scott LLC
108 Norwich Avenue
Colchester, CT 06415

I declare under penalty of perjury that the foregoing is true and correct. Executed this 29th day of September, 2006, at San Francisco, California.

s/ Monina O. Gamboa

MONINA O. GAMBOA