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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LAWRENCE E. JAFFE PENSION PLAN,)	
On Behalf of Itself and All Others Similarly)	
Situated,)	
)	
Plaintiffs,)	
)	
v.)	No. 02 C 5893
)	
HOUSEHOLD INTERNATIONAL, INC., et al.,)	Judge Nan R. Nolan
)	
Defendants.)	

ORDER

Plaintiffs have filed this securities fraud class action alleging that Defendants Household International, Inc., Household Finance Corporation ("Household"), and certain individuals engaged in predatory lending practices between July 30, 1999 and October 11, 2002 (the "Class Period"). Currently before the court is Plaintiffs' motion to compel Defendants to comply with the court's August 10 and 22, 2006 Orders and for sanctions. For the reasons set forth here, the motion is granted in part and denied in part.

DISCUSSION

A. Timeliness

As a preliminary matter, in the August 22, 2006 Order, the court ordered Defendants to comply with certain aspects of its August 10, 2006 Order by September 5, 2006. This included: (1) submission of an affidavit setting forth efforts made to locate documents and confirming that none could be found; (2) identification of previously produced documents responsive to Request Nos. 1, 2, 6, 9, 11, 12, and 35; (3) production of all documents responsive to Request Nos. 1, 2, and 6 for the entire Consumer segment; and (4) provision of responses to Interrogatory Nos. 22, 23, 26, 28, 29, 33, 34, 36, 38, 42, and 44. The court noted, however, that the September 5, 2006 date did not apply to "those issues carved out by the parties, which will be due on a mutually

agreeable date.” The court also expressly instructed the parties not to return to the court with further disputes in this regard. (Minute Order of 8/22/06, Doc. 649.)

Notwithstanding this court’s admonition, Plaintiffs now argue that Defendants were late in providing the four categories of responses. Defendants note that they agreed to produce certain responses by September 5, 2006, but that others would require more time, consistent with the court’s “carve out” provision. Plaintiffs respond that Defendants never proposed any “carve outs,” nor did they seek an extension of time to submit their responses. The court recalls Defendants’ express assertion at the August 22, 2006 discovery hearing that there were categories of information they could not produce by September 5, 2006, and overrules Plaintiffs’ timeliness objections.

B. Interrogatories

In its August 10, 2006 Order, the court instructed Defendants to respond to Third Interrogatory Nos. 22, 23, 26, 28, 29, 33, 34, 36, 38, 42, and 44. With respect to Interrogatory Nos. 28, 34, and 39, the court expressly held that the individual named Defendants were required to identify any responsive public statements they had made. (Order of 8/10/06, Doc. 631, at 9.) Plaintiffs object that the individual Defendants have refused to answer these interrogatories, instead adopting the answers provided by the Company. Specifically, the individual Defendants state that they are retired from Household; they did not retain any Company files or documents; they do not have copies of, and have not reviewed the documents produced in this litigation; they do not have access to any Company files or documents; and they adopt the Company’s responses to Plaintiffs’ interrogatories. (See, e.g., Exs. C and D to Pls. Motion.)

The court accepts that the individual Defendants are unable to identify any responsive public statements they made beyond those identified in Household’s response to Plaintiffs’

interrogatories. Plaintiffs are free to explore the matter further during depositions, but their motion to compel further responses to these interrogatories is denied.

With respect to Interrogatory No. 38, the court had ordered Defendants to identify specific individuals, and not just categories of individuals, who were most knowledgeable about, or responsible for determining the accounting treatment of the \$484 million Attorneys General settlement and the related ACORN class action settlement. For example, Defendants needed to identify specific members of the "Corporate Accounting Department" as opposed to just naming the department. Plaintiffs object that Defendants failed to provide such information. Defendants insist that this was merely an oversight and that they would provide the relevant information by September 15, 2006. (Def. Resp., at 9.) Plaintiffs claim, however, that as of October 3, 2006, they still did not have any supplemental response.

Defendants are reminded of their obligation to identify specific individuals in response to Interrogatory No. 38, and must provide the court with confirmation of such production by October 13, 2006. This portion of Plaintiffs' motion to compel is granted.

C. Document Requests

Plaintiffs next argue that Defendants have not responded in good faith to Document Request Nos. 1, 2, 6, 9, 11, and 12. The court had ordered Defendants to "direct Plaintiffs to the previously-produced documents they believe are responsive to" these requests, including documents relating to the entire Consumer Segment for purposes of responding to Request Nos. 1, 2, and 6. (Order of 8/10/06, at 8.) Defendants responded by citing "hundreds of pages of single-spaced identification of Bates numbers." (Pls. Mot., at 4.) Plaintiffs claim that many of these documents are completely non-responsive. Defendants explain, however, that Plaintiffs' document requests are extremely broad, and that "the volume of responsive material in Defendants' production was accordingly large." (Def. Resp., at 10.)

The court agrees that Plaintiffs' document requests are broad, thus inviting a broad response. Having demanded that Defendants identify documents they believe to be responsive to these requests, Plaintiffs cannot now argue that Defendants have identified too many such documents. Defendants should, however, confirm for the court by October 13, 2006 that for purposes of Request Nos. 1, 2, and 6, the referenced documents include those relating to the entire Consumer Segment. The motion to compel regarding Document Request Nos. 1, 2, 6, 9, 11, and 12 is denied.

Plaintiffs also argue that Defendants have ignored the court's Order with respect to Request Nos. 10, 24, 27, 30, and 35. According to Plaintiffs, Defendants have neither identified responsive documents, nor submitted "an affidavit setting forth the efforts they made to locate the documents and confirming that none could be found." (Order of 8/10/06, at 8.) Defendants explain, however, that they "do not take the position that documents responsive to these requests do not exist," and affirm that they "now have fully complied with the August 10 Order as to supplemental discovery responses." (Def. Resp., at 5, 7-8.) Based on these representations, there is no need for Defendants to submit an affidavit confirming the non-existence of documents responsive to these requests. As noted, Plaintiffs may explore these topics further through depositions. Plaintiffs' motion to compel is denied.

D. Miscellaneous

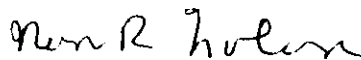
In responding to Plaintiffs' motion, Defendants suggest that the court require each party to secure permission of the court prior to making any further discovery-related motions. (Def. Resp., at 6.) The court urges the parties to file motions sparingly, and only as genuinely necessary, but declines to adopt this suggestion. The court also declines to impose any sanctions at this time. Any future discovery-related motions, however, may not exceed a total of 10 pages in length (including both the motion and the supporting memorandum, if any), without leave of court.

CONCLUSION

For the reasons stated above, Plaintiffs' motion to compel [Doc. 670] is granted in part and denied in part.

ENTER:

Dated: October 10, 2006



NAN R. NOLAN
United States Magistrate Judge