

**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

**DEFENDANTS' SUPPLEMENTAL STATUS REPORT FOR THE
OCTOBER 19, 2006 STATUS CONFERENCE**

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The Household Defendants hereby submit their Supplemental Status Report to inform the Court of the status of notifications from state agencies relating to confidential state documents.¹

As the Court is aware, Defendants were instructed by regulatory agencies in certain states to withhold (or, if applicable, recall) from production documents deemed

Confidential under governing statutes or regulations:

1. Arizona
2. Delaware
3. Hawaii
4. Iowa
5. Kansas
6. Minnesota
7. New Mexico
8. New York
9. North Carolina
10. Ohio
11. Tennessee
12. Vermont
13. West Virginia
14. Wisconsin
15. Wyoming²

Prior to the October 4 Status Conference, two of these states — **North Carolina** (as to 61 documents) and **Wisconsin** (as to 28 documents) — reiterated that they would not voluntarily agree to production in response to the Court's invitation for comments by October 3, 2006. Two additional states — **Arizona** (as to 54 documents) and **Minnesota** (as to 125 documents) — informed the parties that although they will not voluntarily agree to production, they would not submit briefs on the subject. As instructed by the Court at the last status

¹ Defendants regret that this report was not submitted on October 16, as they just learned the Court's October 4, 2006 Order required. However, that Order was not entered or transmitted to counsel until October 17, 2006, reportedly due to a recent problem with the PACER/CMECF system.

² Defendants also withheld Oregon documents from production pending a response to our inquiry to the appropriate agency regarding the potential production of Oregon documents. Defendants recently received notification from Oregon that production of those documents is appropriate and are preparing to produce those documents within the week.

conference, on October 5, 2006 defense counsel notified authorities in the remaining 12 states that they should communicate with the Court on or before October 16, 2006 if they would not voluntarily consent to Household's producing documents they deemed to be protected from disclosure.

Thereafter, Defendants were notified by the agency in **Tennessee** that its documents may be produced after certain required redactions are made to protect information regarding individual consumers. Defendants are in the process of preparing those documents for production and intend to produce them to Plaintiffs within the week.

The following states have filed submissions with the Court, reiterating that they will not voluntarily consent to production:

1. Delaware (14 documents)
2. Kansas (45 documents)
3. New Mexico (4 documents)³
4. North Carolina (61 documents)
5. Vermont (20 documents)
6. Wisconsin (28 documents)
7. Wyoming (5 documents)

The state of **West Virginia** (30 documents), sent an email in response to the October 5, 2006 letter, stating that it wishes to maintain the position set forth in its previous letter to the parties and will not voluntarily allow production.

The following states have been granted an extension of time or indicated to Defendants an intention to seek an extension:

1. New York (59 documents)

³ Defendants did not receive notification from New Mexico that a recall may be necessary until its October 16, 2006 letter. Thus, Defendants have not yet had the opportunity to search the production for New Mexico documents that may have been inadvertently produced. Given that this issue is currently *sub judice*, Defendants propose that they will conduct a search of the production and issue a recall letter, if necessary, after the Court has reached a decision relating to this issue.

2. Ohio (73 documents)

To Defendants' knowledge, the following states have not responded to the October 5, 2006 letter:

1. Hawaii (35 documents)
2. Iowa (2 documents)⁴

For the Court's convenience, Defendants have appended a chart that details and attaches the relevant communications received from each of the fourteen states that have asserted, reiterated or not withdrawn their objections to disclosure of Confidential documents by Household.

Dated: October 17, 2006
Chicago, Illinois

Respectfully submitted,

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⁴ The total number of documents currently at issue is 644, this number does not include New Mexico documents that may need to be recalled from production.

CERTIFICATE OF SERVICE

Adam B. Deutsch, an attorney, certifies that on October 17, 2006, he caused to be served a copy of the DEFENDANTS' SUPPLEMENTAL STATUS REPORT FOR THE OCTOBER 19, 2006 STATUS CONFERENCE, to the parties listed below via the manner stated.

/s/ Adam B. Deutsch
Adam B. Deutsch

Via E-mail and Fed-Ex

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