

FILED

MAY 15 2003 10

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

LAWRENCE E. JAFFE PENSION PLAN,)
On Behalf of Itself and All Others)
Similarly Situated,)
)
Plaintiffs,)
)
v.)
)
HOUSEHOLD INTERNATIONAL, INC.,)
et al.,)
)
Defendants.)

Lead Case No. 02-C-5893
(Consolidated)

Hon. Ronald A. Guzman
Magistrate Judge Nan R. Nolan

DOCKETED
MAY 19 2003

NOTICE OF FILING

TO: Counsel on Attached Service List

PLEASE TAKE NOTICE that on May 15, 2003, Defendant Arthur Andersen LLP, by and through its attorneys, Mayer, Brown, Rowe & Maw, caused to be filed with the United States District Court for the Northern District of Illinois, Defendant Arthur Andersen LLP's [Corrected] Motion to Dismiss Counts I, III and IV of Plaintiffs' [Corrected] Amended Consolidated Complaint, copies of which are attached and hereby served upon you.

Respectfully submitted,

By: Susan Charles
One of the Attorneys for Arthur Andersen LLP

Stanley J. Parzen
Lucia Nale
Susan Charles
Debra Bogo-Ernst
MAYER, BROWN, ROWE & MAW
190 South LaSalle Street
Chicago, Illinois 60603
312-782-0600 (Phone)
312-701-7711 (Facsimile)

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SERVICE LIST

Patrick J. Coughlin
Azra Z. Mehdi
Luke O. Brooks
MILBERG WEISS BERSHAD HYNES &
LERACH LLP
100 Pine Street, Suite 2600
San Francisco, CA 94111
(415) 288-4545
(415) 288-4534 (facsimile)

Marvin A. Miller
Jennifer Winter Sprengel
Lori A. Fanning
MILLER FAUCHER & CAFFERTY LLP
30 North LaSalle Street, Suite 3200
Chicago, Illinois 60602
(312) 782-4800
(312) 782-4485 (facsimile)

William S. Lerach
MILBERG WEISS BERSHAD HYNES &
LERACH LLP
401 B Street, Suite 1700
San Diego, CA 92101
(619) 231-1058
(619) 231-7423 (facsimile)

Counsel for Plaintiffs

Nathan P. Eimer
Adam B. Deutsch
EIMER STAHL KLEVORN & SOLBERG
224 South Michigan Avenue, Suite 110
Chicago, Illinois 60605
(312) 660-7600
(312) 692-1718 (facsimile)

Norman Beck
WINSTON & STRAWN
35 West Wacker Drive
Chicago, Illinois 60601
(312) 558-7422
(312) 558-5700 (facsimile)

David F. Graham
SIDLEY AUSTIN BROWN & WOOD
Bank One Plaza
10 South Dearborn Street
Chicago, Illinois 60603
(312) 853-7000

Michael J. Chepiga
Allison R. Kimmel
SIMPSON THACHER & BARTLETT
425 Lexington Avenue
New York, NY 10017-3954
Telephone: (212) 455-2000
Facsimile: (212) 455-2502

Counsel for Defendants

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**DEFENDANT ARTHUR ANDERSEN LLP'S [CORRECTED] MOTION TO DISMISS
COUNTS I, III AND IV OF PLAINTIFFS'
[CORRECTED] AMENDED CONSOLIDATED COMPLAINT**

Defendant Arthur Andersen LLP ("Andersen") respectfully moves, pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), for an order dismissing with prejudice Counts I, III and IV of plaintiffs' [Corrected] Amended Consolidated Complaint ("Complaint") against it for failure to state a claim upon which relief may be granted.

In support of its motion, Andersen states the following grounds:

1. Count I of the Complaint, which purports to state a claim against Andersen under § 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. § 78(b), and Rule 10b-5 promulgated thereunder, 17 C.F.R. § 240.10b-5, should be dismissed under Fed. R. Civ. P. 9(b) and 12(b)(6) because it does not state with particularity any false statements of fact made by Andersen, it does not allege loss causation, and it does not state with particularity any facts giving rise to a strong inference that Andersen acted with *scienter*, as required by Rule 9(b) and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(b)(2) ("PSLRA").

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2. Counts III and IV of the Complaint, which purport to state claims against Andersen under § 11 of the Securities Act of 1933, 15 U.S.C. § 77k, should be dismissed because such claims are barred by the applicable statutes of limitations and repose and because the Complaint demonstrates a lack of loss causation.¹

In support of this motion to dismiss, Andersen has previously submitted its Memorandum which is incorporated herein by reference.

WHEREFORE, Andersen respectfully requests that this Court dismiss Counts I, III and IV of plaintiffs' Complaint with prejudice as to Arthur Andersen LLP.

Dated: May 15, 2003

ARTHUR ANDERSEN LLP

By: 
One of the Attorneys for Arthur Andersen LLP

Stanley J. Parzen
Lucia Nale
Susan Charles
Debra Bogo-Ernst
MAYER, BROWN, ROWE & MAW
190 South LaSalle Street
Chicago, Illinois 60603
312-782-0600 (Phone)
312-701-7711 (Facsimile)

¹ Counsel for plaintiffs represented to counsel for defendant Arthur Andersen LLP that, although plaintiffs appear to allege Section 12 and 15 claims against Andersen in Counts III and IV, plaintiffs allege only Section 11 claims against Andersen.

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on May 15, 2003, I caused copies of the foregoing Notice of Filing and Defendant Arthur Andersen LLP's [Corrected] Motion to Dismiss Counts I, III and IV of Plaintiffs' [Corrected] Amended Consolidated Complaint to be served upon the persons on the attached service list by depositing same in the United States mail at 190 South LaSalle Street, Chicago, Illinois 60603 before 5:00 p.m. on the aforementioned date.


