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

	_)	
LAWRENCE E. JAFFE PENSION PLAN, ON		
BEHALF OF ITSELF AND ALL OTHERS SIMILARLY)	
SITUATED,)	
)	Lead Case No. 02-C-5893
Plaintiff,)	(Consolidated)
)	
- against -)	
)	Judge Ronald A. Guzman
HOUSEHOLD INTERNATIONAL, INC., ET AL.,)	Magistrate Judge Nan R. Nolan
)	
Defendants.)	
	_)	
)	

DEFENDANTS' PARTIAL OPPOSITION TO LEAD PLAINTIFFS' MOTION TO FILE CERTAIN EXHIBITS AND EXCERPTS OF THEIR BRIEF UNDER SEAL

Defendants Household International, Inc., William F. Aldinger, David A. Schoenholz, and Gary Gilmer (collectively, the "Defendants"), by and through their attorneys, respectfully submit this memorandum in partial opposition to Plaintiffs' Motion to File Certain Exhibits and Excerpts of their Brief in Support of Their Motion Requesting Evidentiary Sanctions for Household Defendants' Destruction of Evidence Under Seal, *Jaffe* v. *Household Int'l, Inc.*, No. 02 Civ. 5893 (Nov. 26, 2008).

On November 26, 2008, Plaintiffs filed their "Spoliation" Motion and attached over 100 exhibits, almost all of which bear a "Confidential" legend and are governed by the Protective Order in this case ("Protective Order"), *Jaffe* v. *Household Int'l*, *Inc.*, No. 02 Civ. 5893 (Order of Nov. 5, 2004). Pursuant to the terms of the Protective Order such documents must be filed under seal unless and until the confidential designation is removed by either the producing party or the Court. *See* Protective Order ¶¶ 11, 21-22. In compliance with the Protective Order, Plaintiffs filed each of the confidential exhibits to their "Spoliation" Motion under seal. However, they

Non-Class Defendants Joseph A. Vozar and Household Finance Corporation ("HFC") join in this motion.

accompanied their brief with a "motion to file documents under seal" which in reality seeks the Court's permission to file just three of the confidential exhibits under seal and all others "in the open."

The Court has wisely anticipated the likelihood of Plaintiffs' diverting attention from important pre-trial matters with the filing of constant motions to unseal, and stated, "[W]hat makes the most sense to me is file a complete motion in limine along with the [confidential] documents . . . under seal and then file an amended version for the public docket. . . . And at some point during the process *after we have ruled on the issues*, we will, of course, have to rule on what extent, if any, these documents continue to be confidential during the course of the trial." *See* Transcript of Proceeding Before the Hon. Ronald A. Guzman at 13-14, *Jaffe* v. *Household Int'l, Inc.*, No. 02 Civ. 5893 (June 30, 2008). Defendants agree and ask that the Court deny Plaintiffs' motion to the extent it seeks to remove the Confidential designation from any documents at this time.

Dated: January 19, 2009 New York, New York

Respectfully submitted,

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