

**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
)	(Consolidated)
Plaintiff,)	
)	
- against -)	Judge Ronald A. Guzman
)	Magistrate Judge Nan R. Nolan
HOUSEHOLD INTERNATIONAL, INC., ET AL.,)	
)	
Defendants.)	
_____)	

MOTION FOR LEAVE TO FILE *INSTANTER* MEMORANDUM OF LAW IN EXCESS OF FIFTEEN PAGES IN OPPOSITION TO PLAINTIFFS’ “SPOILIATION” MOTION

This memorandum is respectfully submitted on behalf of Defendants Household International, Inc., William F. Aldinger, David A. Schoenholz, and Gary Gilmer (collectively, the “Defendants”), by and through their attorneys, hereby move this Court pursuant to Northern District of Illinois Local Rule 7.1 for leave to file an oversized brief in opposition to Plaintiffs’ 65 page “Spoliation” Motion.¹ In support thereof, the Household Defendants state as follows:

¹ Non-Class Defendants Joseph A. Vozar and Household Finance Corporation (“HFC”) join in this motion.

1. On November 26, 2008, after the close of business, Plaintiffs filed Lead Plaintiffs' Motion and Memorandum Requesting Evidentiary Sanctions for Household Defendants' Destruction of Evidence, *Jaffe v. Household Int'l, Inc.*, No. 02 Civ. 5893 (Nov. 26, 2008). Plaintiffs' submission spans 65 pages² and includes 104 exhibits.

2. Although Plaintiffs style their motion as one for discovery sanctions, the draconian relief Plaintiffs seek, if granted, would relieve them of their burden of proving the key elements of two of their claims and would be tantamount to granting partial summary judgment against Defendants. While Plaintiffs' motion confirms that they desperately need the requested negative inferences to fill otherwise fatal gaps in their proof of securities fraud, the serious nature of the relief requested makes it imperative that Defendants provide a comprehensive response.

3. Comprehensively addressing the voluminous number of unfounded, unsubstantiated, and legally and factually inaccurate claims contained in Plaintiffs' 65 page motion requires more than the fifteen pages permitted under Local Rule 7.1.

WHEREFORE, for the reasons stated above, Defendants respectfully request that they be granted leave to file a Brief in support of their Opposition to Plaintiffs' "Spoliation" Motion of 69 pages.

² The Court granted Plaintiffs' motion to file an oversized brief of 65 pages.

Dated: January 19, 2009
New York, New York

Respectfully submitted,

CAHILL GORDON & REINDEL LLP

By: /s/ Thomas J. Kavalier

Thomas J. Kavalier

Peter Sloane

Patricia Farren

Susan Buckley

Landis C. Best

David R. Owen

80 Pine Street
New York, New York 10005
(212) 701-3000

-and-

EIMER STAHL KLEVORN & SOLBERG
LLP

224 South Michigan Ave.

Suite 1100

Chicago, Illinois 60604

(312) 660-7600

*Attorneys for Defendants Household
International, Inc., Household Finance
Corporation, William F. Aldinger, David A.
Schoenholz, Gary Gilmer and J.A. Vozar*