

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.2.2
Eastern Division**

Lawrence E Jaffe, et al.

Plaintiff,

v.

Case No.: 1:02-cv-05893

Hon. Ronald A. Guzman

Household International Inc., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, March 16, 2009:

MINUTE entry before the Honorable Ronald A. Guzman: Plaintiffs' Motion In Limine Number Five to Exclude Arguments That Defendants Disclosed Litigation Risks to outside Auditors [doc. no. 1340] is granted. Defendants seek to introduce testimony that KPMG auditors gave them a clean bill of health after conducting a full audit and review. A portion of what KPMG auditors reviewed in coming to that conclusion was a review of the adequacy of defendant's litigation reserve and related items. Because Household invoked the work product/attorney client privilege to deny plaintiffs access to seven letters from Household's general counsel to Arthur Andersen LLP which were considered by KPMG in reaching its conclusions regarding the adequacy of the litigation reserve and related items, it has effectively deprived plaintiffs of the ability to challenge KPMG's conclusions by attacking the underlying bases for the same. It would, therefore, be unfair to now allow Household to benefit from KPMG auditors' conclusions by presenting them to the jury for its consideration. Household could have, if it wished to rely upon KPMG's conclusions, chosen to waive its work product privilege and allow plaintiffs to have access to all of the material upon which KPMG based its conclusions. Mailed notice (cjpg,)

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