

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LAWRENCE E. JAFFE PENSION PLAN, On)	Lead Case No. 02-C-5893
Behalf of Itself and All Others Similarly)	(Consolidated)
Situated,)	
) <u>CLASS ACTION</u>
Plaintiff,)	
) Judge Ronald A. Guzman
vs.)	
)
HOUSEHOLD INTERNATIONAL, INC., et)	
al.,)	
)
Defendants.)	
_____)	

MOTION FOR AN ORDER APPROVING THE FORM AND MANNER OF NOTICE

Pursuant to this Court's October 23, 2013 Order Setting Schedule for (1) Lead Counsel's Application for an Award of Attorneys' Fees and Non-Taxable Costs and (2) Lead Plaintiffs' Application for an Award of Expenses, Lead Plaintiffs submit the Proposed Notice, attached as Exhibit A for the Court's approval.

As plaintiffs detailed in their submission on October 21, 2013, Rule 23(h)(1) requires that "[n]otice of the motion [for attorney's fees] must be served on all parties and, for motions by class counsel, directed to class members in a reasonable manner." Lead Counsel suggests that notice be sent by mail or e-mail to all of the class members whose claims have been allowed by the Court, *i.e.*, the 10,902 class members identified in Exhibit A of the Judgment, which was entered on October 17, 2013, who provided a mail or e-mail address in connection with their claim. The claims administrator has addresses for the affected class members who filed directly, as well as for many class members who filed through a third party, and will be in a position to send the Notice to these class members directly. As to class members who filed through custodian banks or third-party filing services (and did not provide addresses), Lead Counsel suggests that the claims administrator provide notice to these class members through their filer by mail or e-mail, unless the filer, within 10 days of the Notice Date, provides the claims administrator with contact information and requests that the claims administrator mail the notice directly to their clients.

Since Lead Counsel will only seek an award of fees and expenses at this time from the common fund obtained for the class members identified in Exhibit A to the Judgment, these class members are the only persons entitled to notice and with standing to object to this fee and expense application. *Silverman v. Motorola Solutions, Inc.*, No. 12-2339, 2013 U.S. App. LEXIS 16878, at *2-*3 (7th Cir. Aug. 14, 2013) (objector "did not file a claim to his share of the recovery. He thus lacks any interest in the amount of fees, since he would not receive a penny from the fund even if counsel's take should be reduced to zero. . . . We dismiss his appeal on the ground that he lacks any

interest in the outcome.”). Because of the high likelihood that all affected class members will receive the mailed or emailed notice as described above, notice by publication is unnecessary.

The Proposed Notice will be sent to the affected class members within 15 days of the entry of an Order Approving the Form and Manner of Notice. The Court approved the following schedule on October 23, 2013:

Notice mailed or e-mailed to Class Members identified on Exhibit A to the Judgment.	15 calendar days after the Court enters an order approving the Notice (hereinafter, “the Notice Date”).
Deadline for filing motion for an award of attorney’s fees and non-taxable costs and Lead Plaintiffs’ application for reimbursement of expenses (“the Fee and Expense Application”).	28 calendar days after the Notice Date.
Deadline for objecting to the Fee and Expense Application.	56 calendar days after the Notice Date.
Deadline to file reply papers in support of the Fee and Expense Application.	77 calendar days after the Notice Date.
Hearing regarding the Fee and Expense Application.	At the Court’s convenience, but not earlier than 90 calendar days after the Notice Date.

Plaintiffs’ Proposed Order Approving the Form and Manner of Notice, submitted herewith, incorporates these previously approved dates. For the Court’s convenience, if the Proposed Order is entered on November 11, 2013, the schedule would result in the following dates:

		If Order Entered on November 11, 2013:
Notice mailed or e-mailed to Class Members identified on Exhibit A to the Judgment.	15 calendar days after the Court enters an order approving the Notice (hereinafter, “the Notice Date”).	November 26, 2013
Deadline for filing motion for an award of attorney’s fees and non-taxable costs and Lead Plaintiffs’ application for reimbursement of expenses (“the Fee and Expense Application”).	28 calendar days after the Notice Date.	December 24, 2013
Deadline for objecting to the Fee and Expense Application.	56 calendar days after the Notice Date.	January 21, 2014

Deadline to file reply papers in support of the Fee and Expense Application.	77 calendar days after the Notice Date.	February 11, 2014
Hearing regarding the Fee and Expense Application.	At the Court's convenience, but not earlier than 90 calendar days after the Notice Date.	on or after February 24, 2014

Plaintiffs respectfully request that the Court enter the Proposed Order Approving the Form and Manner of Notice.

DATED: November 7, 2013

Respectfully submitted,

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Attorneys for Plaintiff

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and employed in the City and County of San Diego, State of California, over the age of 18 years, and not a party to or interested party in the within action; that declarant's business address is 655 W. Broadway, Suite 1900, San Diego, California 92101.

2. That on November 7, 2013, declarant served by electronic mail and by U.S. Mail to the parties the following documents:

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The parties' e-mail addresses are as follows:

Tkavaler@cahill.com	Zhudson@bancroftpllc.com
Pfarren@cahill.com	Mrakoczy@skadden.com
Dowen@cahill.com	Rstoll@skadden.com
Jhall@cahill.com	Mmiller@MillerLawLLC.com
Pclement@bancroftpllc.com	Lfanning@MillerLawLLC.com

and by U.S. Mail to:

Lawrence G. Soicher, Esq.
Law Offices of Lawrence G. Soicher
110 East 59th Street, 25th Floor
New York, NY 10022

I declare under penalty of perjury that the foregoing is true and correct. Executed this 7th day of November, 2013, at San Diego, California.

Deborah S. Granger

DEBORAH S. GRANGER