

**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,)	Case No. 02 C 5893
Plaintiff,)	
)	Judge Jorge L. Alonso
)	
v.)	
)	
HOUSEHOLD INTERNATIONAL, INC.,)	
et al.,)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO EXCLUDE THE TESTIMONY
OF PLAINTIFFS' EXPERT PROFESSOR DANIEL R. FISCHEL**

In accordance with this Court's Order of September 8, 2015 (Dkt. 2042), Defendants Household International, Inc., William F. Aldinger, David A. Schoenholz, and Gary Gilmer, respectfully move this Court for an Order excluding the opinion testimony of Plaintiffs' loss causation and damages expert, Professor Daniel R. Fischel ("Fischel"), which is set forth in his supplemental report dated September 23, 2015 ("Remand Report"). As set forth in Defendants' supporting memorandum of law filed concurrently herewith:

1. Fischel's Remand Report fails to comply with the Seventh Circuit's directive that, on remand, he "explain[] in nonconclusory terms" the basis for his opinion that "no firm-specific, nonfraud related information contributed to the decline in [Household's] stock price during the relevant time period." *Glickenhau & Co. v. Household Int'l, Inc.*, 787 F.3d 408, 422 (7th Cir. 2015) (Defs. Mem. at 8-13);
2. Fischel's Remand Report does not satisfy the reliability standards of *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) (*id.* at 13-19); and

3. Fischel's Remand Report fails to account for "significant, firm-specific, nonfraud related information that could have affected the stock price," *Glickenhau*s, 787 F.3d at 422 & n.7, during the 228-day disclosure period. (*Id.* at 19-24).

WHEREFORE, Defendants respectfully request that the Court grant this motion and enter an Order excluding Fischel's testimony.

Dated: October 23, 2015

Respectfully submitted,

/s/R. Ryan Stoll

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CERTIFICATE OF SERVICE

R. Ryan Stoll, an attorney, hereby certifies that on October 23, 2015, he caused true and correct copies of the foregoing Defendant Household International Inc.'s Motion To Exclude the Testimony of Plaintiffs' Expert Daniel R. Fischel to be served via the Court's ECF filing system on the following counsel of record in this action:

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