

**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,	)	
	)	
v.	)	Judge Jorge L. Alonso
	)	
HOUSEHOLD INTERNATIONAL, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANT WILLIAM F. ALDINGER’S  
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant William F. Aldinger (“Aldinger”) hereby moves this Court for an Order pursuant to Rule 56(c) of the Federal Rules of Civil Procedure granting partial summary judgment as to certain issues that were remanded for a new trial by the Seventh Circuit Court of Appeals. In support of this Motion, Aldinger submits herewith and incorporates by reference (i) Local Rule 56.1(a)(3) Statement of Material Facts in Support of Defendant William F. Aldinger’s Motion for Partial Summary Judgment; (ii) William F. Aldinger’s Appendix in Support of His Motion for Partial Summary Judgment, and (iii) Memorandum of Law in Support of Defendant William F. Aldinger’s Motion for Partial Summary Judgment. Aldinger further states as follows:

1. As set forth more fully in the accompanying Memorandum of Law and Rule 56.1(a)(3) Statement of Material Facts, with respect to the issues identified by the Seventh Circuit for retrial, there is no genuine issue of material fact that (i) Aldinger did not “make” the statements contained in the April 9, 2002 Financial Relations Conference presentation

(the “FRC Presentation” or the “Presentation”); and (ii) Aldinger did “make” the statements contained in the seven Household International Inc. press releases (the “Press Releases”) identified on appeal, leaving no litigable issue as to whether he was the “maker” of those statements.

2. Plaintiffs have failed to present evidence sufficient to show that any statement in the FRC Presentation was attributed or attributable to Aldinger. *Janus Capital Group, Inc. v. First Derivative Traders* (“*Janus*”), 131 S. Ct. 2296, 2302 (2011). Likewise, Plaintiffs have not presented evidence suggesting that Aldinger had ultimate authority over the content of the Presentation or to determine whether or how the Presentation was made. *Id.* Rather, as the Seventh Circuit noted on appeal, Schoenholz concedes that he “made” the Presentation’s statements. *See Glickenhau & Co. v. Household Int’l, Inc.*, 787 F.3d 408, 428 (7th Cir. 2015), reh'g denied (July 1, 2015).
3. Because he is quoted in all seven Press Releases, Aldinger does not dispute that he “made” the statements contained therein. *Janus*, 131 S. Ct. at 2302; *see Sec. & Exch. Comm'n v. E-Smart Techs., Inc.*, 74 F. Supp. 3d 306, 319-20 (D.D.C. 2014), appeal dismissed (May 6, 2015). Consequently, there is no litigable issue for trial as to whether Aldinger was the “maker” of statements contained in the Press Releases.

WHEREFORE, for the reasons stated above, Aldinger respectfully requests that this Court enter partial summary judgment as to the issues identified above.

Dated: February 24, 2016

Respectfully submitted,

William F. Aldinger

By:  /s/ Gil M. Soffer  
One of His Attorneys

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