

**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,)	
) Honorable Jorge L. Alonso
vs.)	
)
HOUSEHOLD INTERNATIONAL, INC., et)	
al.,)	
)
Defendants.)	
)

**DECLARATION OF LUKE O. BROOKS IN SUPPORT OF
PLAINTIFFS' MOTION FOR AN APPEAL BOND**

I, LUKE O. BROOKS, declare as follows:

1. I am a member of the Firm of Robbins Geller Rudman & Dowd LLP (“Robbins Geller” or the “Firm”). I am submitting this declaration in support of Plaintiffs’ Motion for an Appeal Bond.

2. The Firm is counsel of record for Lead Plaintiffs Glickenhau & Co., PACE Industry Union-Management Pension Fund, International Union of Operating Engineers Local No. 132 Pension Plan, and the plaintiff Class.

3. I make this declaration to provide the Court with a reasonable estimate of (1) the Rule 39 taxable costs plaintiffs anticipate incurring on the Objector’s appeal and (2) the interest on the Settlement Funds that the Class will lose due to the anticipated delay caused by Objector’s appeal.

4. Based on my experience and consultation with senior appellate counsel at the Firm, I estimate the costs taxable under Rule 39 will amount to approximately \$500 for Objector’s appeal.

5. Lead Counsel expect that the lost interest for the Class due to the delay caused by Objector’s appeal to be at least \$4,221,000.

6. Lead Counsel calculated the expected lost interest amount by using the statutory interest rate for judgments less the interest the Settlement Amount was generating as of the date of final approval. The statutory post-judgment interest rate is “equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding . . . the date of the judgment.” 28 U.S.C. §1961(a). Here, the final approval order being appealed is dated November 10, 2016. Exhibit 1 is a true and correct copy of the Post-Judgment Interest Rates for 2016, available at <http://www.utd.uscourts.gov/documents/int2016.html>. As set forth on Exhibit 1, the one-year constant maturity Treasury yield for the week ending November 4, 2016 was 0.62%.

7. Pursuant to the Stipulation of Settlement, ¶2.2 (Dkt. No. 2213), the Settlement Amount is invested in short term United States Agency or Treasury Securities. Based upon the information provided to me by the person within the Firm responsible for overseeing these

investments, I calculated that as of the date of Final Approval the Settlement Amount was on average yielding approximately 0.285% in yearly interest.

8. To project the expected time of delay on the Class's use of the Settlement Funds, Lead Counsel used the Seventh Circuit's median time for dispositions of civil appeals. Exhibit 2 is a true and correct copy of the 2015 7th Cir. Annual Report, Table 9, available at <http://www.ca7.uscourts.gov/rpt/statistics.htm>. Based upon Exhibit 2, the median time for dispositions of civil appeals in the Seventh Circuit is 9.6 months from the date the notice of appeal is filed.

9. Applying the 0.62% interest rate for 9.6 months to the \$1.575 billion in Settlement Fund, less the amount of interest the cash is generating pursuant to the Settlement Agreement (0.285%), results in \$4,221,000 in expected lost interest.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 19th day of December, 2016, at San Diego, California.

s/ Luke O. Brooks
LUKE O. BROOKS

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2016, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses for counsel of record denoted on the attached Service List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 19, 2016.

s/ Luke O. Brooks

LUKE O. BROOKS

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<p>Liaison Counsel for Plaintiffs</p>	

EXHIBIT 1

POST-JUDGMENT INTEREST RATE

2016

Weekly average 1-year constant maturity Treasury yield

Week Ending	Rate
01/01/2016	.66%
01/08/2016	.65%
01/15/2016	.58%
01/22/2016	.46%
01/29/2016	.47%
02/05/2016	.52%
02/12/2016	.51%
02/19/2016	.53%
02/26/2016	.56%
03/04/2016	.66%
03/11/2016	.68%
03/18/2016	.67%
03/25/2016	.64%
04/01/2016	.62%
04/08/2016	.55%
04/15/2016	.54%
04/22/2016	.54%
04/29/2016	.58%
05/06/2016	.52%

05/13/2016	.53%
05/20/2016	.62%
05/27/2016	.68%
06/03/2016	.67%
06/10/2016	.59%
06/17/2016	.53%
06/24/2016	.55%
07/01/2016	.45%
07/08/2016	.46%
07/15/2016	.52%
07/22/2016	.55%
07/29/2016	.53%
08/05/2016	.52%
08/12/2016	.56%
08/19/2016	.58%
08/26/2016	.59%
09/02/2016	.61%
09/09/2016	.57%
09/16/2016	.61%
09/23/2016	.60%
09/30/2016	.59%
10/07/2016	.66%
10/14/2016	.66%
10/21/2016	.66%
10/28/2016	.66%
11/04/2016	.62%
11/10/2016*	.72%
11/18/2016	.77%
11/25/2016	.81%

12/02/2016	.80%
12/09/2016	.85%

**Markets Closed 11/11/2016*

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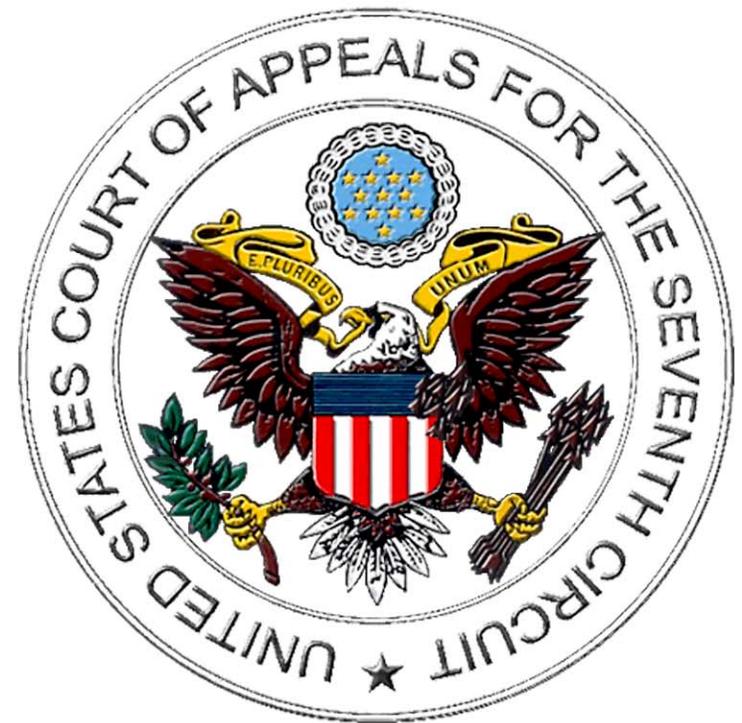


*United States District Court, District of Utah, 351 S. West Temple, Room 1.100, Salt Lake City, UT
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EXHIBIT 2

Judicial Business of the United States Courts of the Seventh Circuit



2015

Report on the Business of the Federal Courts of the Seventh Circuit For the Twelve Month Period From January 1, 2015 to December 31, 2015

The following annual report is submitted to the 65nd annual joint meeting of the Judicial Conference of the Seventh Circuit and the Seventh Circuit Bar Association held on May 01 through May 03, 2016 at the Radisson Blu Aqua Hotel in Chicago, Illinois. This report is a collection of statistical data from every court of the circuit and national comparison data for the Circuit Courts of Appeal.

There are a number of people responsible for the collection and assembly of the data contained in these pages. Members of the Statistics Division of the Administrative Office were helpful. We thank them for their hard work, professional service and good advice. Also, thanks to Ms. Asia Brown and Ms. Jane Oberheide of the Court of Appeals. This data is available on the Court of Appeals web page at: www.ca7.uscourts.gov.

This report shows that the federal courts of the Seventh Circuit continue to be busy and productive.

Respectfully submitted,

Gino J. Agnello

Clerk,
United States Court of Appeals
for the Seventh Circuit

Table 9

Median Time Intervals* in Cases Terminated after Hearing or Submission by Circuit During the Twelve Month Period Ended December 31, 2015

	All Appeals		Prisoner Petitions		Other Civil		Criminal		Admin. Agency		Bankruptcy	
	Total Cases											
	34,035	1,739	8,951	387	8,394	533	8,694	370	2,564	62	522	36
Cases Disposed of by Consolidation	2,554	129	241	11	815	64	871	33	97	2	71	4
Average	Nat.	7th Cir.	Nat.	7th Cir.	Nat.	7th Cir.	Nat.	7th Cir.	Nat.	7th Cir.	Nat.	7th Cir.
From Filing of Notice of Appeal or Docket Date ¹ to Filing Last Brief	5.8	5.6	7.0	7.3	4.8	5.0	6.4	6.3	8.1	4.9	4.9	3.8
From Filing Last Brief to Hearing or Submission	3.7	2.0	3.8	2.4	3.9	2.3	3.1	2.2	8.3	2.6	4.0	2.6
From Hearing to Final Disposition	2.1	2.9	2.2	3.9	2.3	3.3	1.9	2.5	1.3	1.7	2.4	3.0
From Submission to Final Disposition	0.4	0.3	0.3	0.4	0.8	0.1	0.5	0.2	0.5	0.2	0.5	0.1
From Filing of Notice of Appeal or Docket Date ¹ to Final Disposition	8.6	7.1	6.7	6.2	10.8	9.6	10.4	9.8	15.8	8.1	10.4	10.7
From Filing in Lower Court to Final Disposition in Appellate Court	28.4	28.4	25.6	22.2	31.1	30.5	29.3	36.3	0.0	0.0	21.0	21.0

NOTE: This table does not include data for the U.S. Court of Appeals for the Federal Circuit.

¹ Docket date is used when computing the median time interval for original proceedings and appeals from administrative agencies

* All time intervals are reported in months.