

**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.)	Magistrate Judge Nan R. Nolan
)
HOUSEHOLD INTERNATIONAL, INC., et)	
al.,)	
)
Defendants.)	
_____)	

**NOTICE OF MOTION TO COMPEL RESPONSES TO FIRST SET OF
INTERROGATORIES FROM HOUSEHOLD DEFENDANTS**

PLEASE TAKE NOTICE that on September 21, 2005, at 10:00 a.m., we shall appear before the Honorable Nan R. Nolan, or any judge sitting in her stead, in Courtroom 1858 of the United States District Court for the Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, Illinois, and then and there present the following documents:

Lead Plaintiffs' Memorandum in Support of Motion to Compel Responses to First Set of Interrogatories from Household Defendants

Declaration of Luke O. Brooks in Support of Lead Plaintiffs' Compliance with Local Rule 37.2

Appendix of Electronic Cases in Support of Lead Plaintiffs' Motion to Compel Responses to First Set of Interrogatories from Household Defendants

copies of which are hereby served upon you.

Pursuant to the Court's instructions at the August 24, 2005 status conference, plaintiffs provide further information regarding the above motion as follows:

1. On March 13, 2003, lead plaintiffs filed the Corrected Amended Consolidated Class Action Complaint for Violation of the Federal Securities Laws ("Complaint"). On July 2, 2004, defendants answered the Complaint. In their answer, defendants asserted 22 affirmative defenses to the claims alleged in plaintiffs' Complaint.

2. On July 16, 2004, plaintiffs served defendants with the First Set of Interrogatories ("Interrogatories") seeking "all facts" upon which defendants based their affirmative defenses, the identity of all persons with knowledge of these facts, and the identity of all documents which support defendants' affirmative defenses. *See* Exhibit A of the Declaration of Luke O. Brooks in Support of Plaintiffs' Compliance with Local Rule 37.2 ("Brooks Decl."), filed concurrently herewith.

3. Defendants have refused to completely answer the Interrogatories. Brooks Decl., ¶¶4, 9. Plaintiffs held meet and confers with defendants on August 26, 2004, October 20, 2004, January 31, 2005 and July 18, 2005 to attempt to resolve this issue. Brooks Decl., ¶¶3, 5-6, 11, 14. Still, defendants have refused to provide the factual basis for any of their affirmative defenses. Brooks

Decl., ¶¶14, 17. For nine of the affirmative defenses (8, 11, 15-17, 19-22), defendants have provided *no* response. Brooks Decl., ¶¶4, 9. For 13 affirmative defenses (1-7, 9-10, 12-14, 18), defendants improperly point to voluminous documents with a multitude of facts, putting the burden on plaintiffs to ascertain which facts go to which defense. Brooks Decl., ¶9.

4. With the fact discovery cut-off only four months away, it is vital that plaintiffs know what factual basis, if any, defendants have for their affirmative defenses. Hence, plaintiffs have been forced to file this motion seeking an order compelling defendants to provide a meaningful explanation of the factual basis for defendants' affirmative defenses, the identity of all persons with knowledge of these facts, and the identity of all documents which support the affirmative defenses, or in the alternative for an order striking defendants' affirmative defenses for failure to answer the Interrogatories.

5. As required by the Court on August 24, 2005, plaintiffs have discussed the filing of this motion with defendants and parties have agreed to the following briefing schedule:

September 6, 2005: Plaintiffs file their Motion to Compel Responses to First Set of Interrogatories from Household Defendants;

September 20: Defendants file their response; and

September 27: Plaintiffs file their reply.

DATED: September 6, 2005

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