

**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 THE CLASS' MOTION TO COMPEL RE RULE 30(B)(6) DEPOSITION
ON HOUSEMAIL TOPIC**

TO: Counsel on the Attached Service List

PLEASE TAKE NOTICE that on February 15, 2006, at 9:00 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:

***Memorandum of Law in Support of the Class' Motion to Compel Re Rule 30(b)(6)
Deposition of Housemail Topic***

***Declaration of D. Cameron Baker in Support of the Class' Motion to Compel Re Rule
30(b)(6) Deposition on Housemail Topic and Compliance with Local Rule 37.2***

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 October 27, 2005, plaintiffs served the Household defendants with their Rule 30(b)(6) Housemail deposition notice.
2. On November 11, 2005, the Household defendants served their objections and response to the Rule 30(b)(6) Housemail deposition notice, agreeing to produce a witness (Christine Cunningham) on the general topic of document retention holds on the Housemail system in the face of litigation. On November 22, 2005, Household defendants represented to the Court that Ms. Cunningham would be prepared to testify on this subject.
3. On December 2, 2005, plaintiffs took the deposition of Ms. Cunningham pursuant to their Rule 30(b)(6) Housemail deposition notice. At that deposition, Ms. Cunningham was unable to answer questions regarding what triggered a directive to retain documents under the general document retention policy and whether there was a particular time frame in which a directive should be issued.

4. The parties have met and conferred on Ms. Cunningham's inability to answer these questions. During that process, the Household defendants agreed to provide a narrative response in a suitable evidentiary format, *i.e.*, verified or in the form of a declaration. Despite this agreement, Household's proposed response is not responsive to the question and Household has refused to provide the response in a suitable evidentiary format.

5. Plaintiffs, thus, bring this Motion to Compel Re Rule 30(B)(6) Deposition on Housemail Topic to obtain responsive information within the scope of the Rule 30(b)(6) Housemail deposition notice and for sanctions.

6. As required by the Court on August 24, 2005, plaintiffs have discussed the filing of this motion with defendants and as part of the meet and confer, the parties have agreed on a briefing schedule wherein Household will file its opposition to this motion on January 31, 2006 and plaintiffs will file their reply on February 7, 2006.

DATED: January 24, 2006

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HOUSEHOLD INTERNATIONAL (LEAD)

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