

**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. )	
_____ )	

**THE CLASS' REQUEST FOR A STATUS CONFERENCE**

1. On February 15, 2006 at 10:00 a.m., the Court is scheduled to hear the parties' oral argument on the Class' Motion to Compel Responses to Second Set of Interrogatories from Household Defendants and Motion to Compel Re Rule 30(b)(6) Deposition on Housemail Topic. By this Request, the Class seeks to schedule a Status Conference following the February 15, 2006 hearings so that the Court may address a newly arisen privilege issue that has already caused delays and threatens to further impair the Class' prosecution of this action by delaying currently scheduled depositions. The Class has attempted to meet and confer with the Household International, Inc. ("Household") defendants about this issue without success.

2. On February 1, 2006, Household notified the Class that it inadvertently produced privileged documents relating to various federal agencies and demanded that the Class either return or destroy the documents. (The Class has now received similar letters from KPMG LLP and Arthur Andersen, LLP.) Household also has informed the Class that it will object to the attempted use of any of these documents during all proceedings in this action and that it will instruct all witnesses not to answer any questions "relating to or predicated on information contained in these documents." At the same time, however, Household will not allow depositions to proceed subject to recall and has failed to provide the information necessary for timely resolution of this issue. Two depositions (John Nichols and Louis Levy) already have been cancelled because of this issue and others are being delayed.

3. In response to the letters received from Household, KPMG LLP and Arthur Andersen, LLP, the Class has committed to not use or disseminate the documents identified by the producing parties until this issue is resolved. Given this and the centrality of some of the documents at issue, the Class wishes to have this issue resolved as soon as possible and has requested that

Household, KPMG LLP and Arthur Andersen, LLP prepare privilege logs<sup>1</sup> as to the documents at issue and provide redacted versions of the documents, if appropriate, as specified in the Protective Order. See ¶¶28 & 29 of the Protective Order. These steps are necessary to render the dispute sufficiently concrete to be capable of resolution. However, to date, none of these parties have provided a privilege log as to the documents or identified the specific privilege(s) involved. Further, although Household claims to have produced redacted versions of some of the documents, the Class has not yet received any such documents.

4. By recent letter, Household has suggested that the Protective Order does not apply and that this Court has no jurisdiction to resolve this dispute. The Class disputes both points based on the clear language of the Protective Order and case law regarding production from the relevant agencies. The Class therefore respectfully requests the Court's assistance in constructing a schedule for resolving these issues, including a schedule by which Household, KPMG LLP and Arthur Andersen, LLP will provide the necessary information.

DATED: February 13, 2006

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
PATRICK J. COUGHLIN (90785466)  
AZRA Z. MEHDI (90785467)  
D. CAMERON BAKER (154452)  
MONIQUE C. WINKLER (90786006)  
SYLVIA SUM (90785892)  
LUKE O. BROOKS (90785469)

/s/ Azra Z. Mehdi  
AZRA Z. MEHDI

---

<sup>1</sup> None of the documents identified by Household is listed on a privilege log. Indeed, the Class has not received a privilege log from Household since December 20, 2005 and has received no log covering Household's last 22 productions. The Class also would like to address this issue at the Status Conference, if permitted.

100 Pine Street, Suite 2600  
San Francisco, CA 94111  
Telephone: 415/288-4545  
415/288-4534 (fax)

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
WILLIAM S. LERACH  
655 West Broadway, Suite 1900  
San Diego, CA 92101  
Telephone: 619/231-1058  
619/231-7423 (fax)

Lead Counsel for Plaintiffs

MILLER FAUCHER AND CAFFERTY LLP  
MARVIN A. MILLER  
30 North LaSalle Street, Suite 3200  
Chicago, IL 60602  
Telephone: 312/782-4880  
312/782-4485 (fax)

Liaison Counsel

LAW OFFICES OF LAWRENCE G.  
SOICHER  
LAWRENCE G. SOICHER  
305 Madison Avenue, 46th Floor  
New York, NY 10165  
Telephone: 212/883-8000  
212/697-0877 (fax)

Attorneys for Plaintiff

T:\CasesSF\Household Intl\REQ00028079.doc

DECLARATION OF SERVICE BY EMAIL AND BY U.S. MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and employed in the City and County of San Francisco, over the age of 18 years, and not a party to or interested party in the within action; that declarant's business address is 100 Pine Street, Suite 2600, San Francisco, California 94111.

2. That on February 13, 2006, declarant served by electronic mail and by U.S. Mail the **THE CLASS' REQUEST FOR A STATUS CONFERENCE** to the parties listed on the attached Service List. The parties' email addresses are as follows:

[TKavaler@cahill.com](mailto:TKavaler@cahill.com)  
[PSloane@cahill.com](mailto:PSloane@cahill.com)  
[LBest@cahill.com](mailto:LBest@cahill.com)  
[NEimer@EimerStahl.com](mailto:NEimer@EimerStahl.com)  
[ADeutsch@EimerStahl.com](mailto:ADeutsch@EimerStahl.com)  
[sparzen@mayerbrownrowe.com](mailto:sparzen@mayerbrownrowe.com)  
[mmiller@millerfaucher.com](mailto:mmiller@millerfaucher.com)  
[lfanning@millerfaucher.com](mailto:lfanning@millerfaucher.com)

and by U.S. Mail to:

Lawrence G. Soicher, Esq.  
Law Offices of Lawrence G. Soicher  
305 Madison Ave., 46th Floor  
New York, New York 10165

David R. Scott, Esq.  
Scott & Scott LLC  
108 Norwich Avenue  
Colchester, CT 06415

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of February, 2006, at San Francisco, California.

/s/ Monina O. Gamboa  
\_\_\_\_\_  
MONINA O. GAMBOA

HOUSEHOLD INTERNATIONAL (LEAD)

Service List - 2/13/2006 (02-0377)

Page 1 of 2

**Counsel for Defendant(s)**

Thomas J. Kavalier  
Peter Sloane  
Landis Best  
Cahill Gordon & Reindel LLP  
80 Pine Street  
New York, NY 10005-1702  
212/701-3000  
212/269-5420(Fax)

Nathan P. Eimer  
Adam B. Deutsch  
Eimer Stahl Klevorn & Solberg LLP  
224 South Michigan Avenue, Suite 1100  
Chicago, IL 60604  
312/660-7600  
312/692-1718(Fax)

Stanley J. Parzen  
Mayer, Brown, Rowe & Maw LLP  
71 South Wacker Drive  
Chicago, IL 60606  
312/782-0600  
312/701-7711(Fax)

**Counsel for Plaintiff(s)**

Lawrence G. Soicher  
Law Offices of Lawrence G. Soicher  
305 Madison Avenue, 46th Floor  
New York, NY 10165  
212/883-8000  
212/697-0877(Fax)

William S. Lerach  
Lerach Coughlin Stoia Geller Rudman &  
Robbins LLP  
655 West Broadway, Suite 1900  
San Diego, CA 92101  
619/231-1058  
619/231-7423(Fax)

Patrick J. Coughlin  
Azra Z. Mehdi  
Monique C. Winkler  
Lerach Coughlin Stoia Geller Rudman &  
Robbins LLP  
100 Pine Street, Suite 2600  
San Francisco, CA 94111-5238  
415/288-4545  
415/288-4534(Fax)

Marvin A. Miller  
Jennifer Winter Sprengel  
Lori A. Fanning  
Miller Faucher and Cafferty LLP  
30 N. LaSalle Street, Suite 3200  
Chicago, IL 60602  
312/782-4880  
312/782-4485(Fax)

HOUSEHOLD INTERNATIONAL (LEAD)

Service List - 2/13/2006 (02-0377)

Page 2 of 2

David R. Scott

Scott + Scott, LLC

108 Norwich Avenue

Colchester, CT 06415

860/537-5537

860/537-4432(Fax)