

**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,

Plaintiff,

- against -

HOUSEHOLD INTERNATIONAL, INC., ET AL.,

Defendants.

Lead Case No. 02-C-5893
(Consolidated)

CLASS ACTION

Judge Ronald A. Guzman
Magistrate Judge Nan R. Nolan

DEFENDANTS' MOTION PURSUANT TO 28 U.S.C. § 1292(b)

Defendants Household International, Inc. and Household Finance Corp. and its former officers and directors William F. Aldinger, David A. Schoenholz, Gary Gilmer, and J.A. Vozar ("Defendants") hereby move pursuant to 28 U.S.C. § 1292(b) for certification and amendment of the Court's April 26, 2006 Memorandum Opinion and Order. Defendants respectfully request an Order amending and certifying the April 26, 2006 Memorandum Opinion and Order for interlocutory review by the United States Court of Appeals for the Seventh Circuit for the reasons stated in the accompanying Memorandum of Law.

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Dated: May 9, 2006

Chicago, Illinois

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CERTIFICATE OF SERVICE

Adam B. Deutsch, an attorney, certifies that on May 9, 2006, he served copies of Defendants' Motion Pursuant to 28 U.S.C. § 1292(b), to the parties listed below in the manner stated.

s/ Adam B. Deutsch
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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LAWRENCE E. JAFFEE PENSION PLAN, ON
BEHALF OF ITSELF AND ALL OTHER
SIMILARLY SITUATED,

Plaintiff,

- vs -

HOUSEHOLD INTERNATIONAL, INC.,

Defendants.

Lead Case No. 02-C-5893
(Consolidated)

CLASS ACTION

Judge Ronald A. Guzman
Magistrate Judge Nan R. Nolan

PROPOSED ORDER GRANTING
DEFENDANTS' MOTION PURSUANT TO 28 U.S.C. § 1292(b)

CONSIDERING, Household Defendants' Motion Pursuant to 28 U.S.C. § 1292(b).

WHEREAS, interlocutory review is appropriate when an order "involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation." pursuant to 28 U.S.C. § 1292(b);

WHEREAS, Defendants moved for certification pursuant to 28 U.S.C. § 1292(b) of the Court's April 26, 2006 Memorandum Opinion and Order raising the question of whether the Supreme Court decision in *Dura Pharm., Inc. v. Broudo*, 125 S. Ct. 1627 (2005) ("*Dura*") has affected or expanded upon the pleading requirements for loss causation in securities fraud cases in the Seventh Circuit.

NOW, THEREFORE, the Court having considered the arguments of counsel and the points and authorities cited by the parties;

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IT IS HEREBY ORDERED THAT:

1. The Court finds and concludes that defendants have raised a “question of law” within the meaning of § 1292(b) relating to the pleading requirements for loss causation in securities fraud cases in the Seventh Circuit.
2. The Court finds and concludes that the loss causation issue is also “controlling” within the meaning of § 1292(b) because the resolution of the identified question of law may dispose of all claims.
3. The Court finds and concludes that there exists a “substantial difference of opinion on a question of law” within the meaning of section 1292(b) because the effect of *Dura* in this Circuit, if any, is a question that remains to be considered by the Seventh Circuit, and because decisions by other federal courts are not in accord on the subject.
4. The Court finds and concludes that resolution of the loss causation issue could materially advance the ultimate termination of the litigation by dismissing all claims or may accelerate the case or head off protracted, costly litigation, within the meaning of § 1292(b).
5. Household Defendants’ Motion Pursuant to 28 U.S.C. § 1292(b) is hereby GRANTED, and
6. The April 26, 2006 Memorandum Opinion and Order is incorporated in this order for such certification pursuant to 28 U.S.C. § 1292(b) and amended to state that it involves controlling questions of law as to which there is substantial ground for differences of opinion and that an immediate appeal will materially advance the ultimate termination of the litigation.

DONE AND ORDERED at Chicago, Illinois this ___ day of _____, 2006.

HON. RONALD A. GUZMAN
United States Judge