UNITED STATES DISTRICT COURT

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

REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF THE HOUSEHOLD DEFENDANTS' MOTION TO COMPEL RESPONSES TO HOUSEHOLD DEFENDANTS' SECOND SET OF INTERROGATORIES TO LEAD PLAINTIFFS

CAHILL GORDON & REINDEL LLP
80 Pine Street
New York, New York 10005
(212) 701-3000

EIMER STAHL KLEVORN & SOLBERG LLP
224 South Michigan Ave.
Suite 1100
Chicago, Illinois 60604
(312) 660-7600

Attorneys for Defendants Household International, Inc., Household Finance Corporation, William F. Aldinger, David A. Schoenholz, Gary Gilmer and J.A. Vozar

TABLE OF CONTENTS

TABLE OF AUTHORITIES

This reply memorandum is respectfully submitted on behalf of Defendants Household International, Inc., Household Finance Corp., William F. Aldinger, David A. Schoenholz, Gary Gilmer and J.A. Vozar (collectively, "Household" or "Defendants") in further support of the Household Defendants' Motion to Compel Responses to Household Defendants' Second Set of Interrogatories To Lead Plaintiffs (the "Interrogatories").[1]

INTRODUCTION

Plaintiffs have refused to timely respond to most of Defendants' Interrogatories, and have provided meaningless and/or circular responses to the few Interrogatories to which they chose to respond. Seeking to explain their refusal, Plaintiffs' opposition to this Motion raises insubstantial and non-substantive objections that seek only to delay the completion of this case and obscure the true nature of their securities fraud claim. The objections should be rejected.

Despite having made alleged "illegal predatory lending" the centerpiece of Plaintiffs' three theories of fraud, Plaintiffs' opposition disclaims any obligation to provide "a precise definition of the term." (*See* Plaintiffs' Brief[2] at 8). Plaintiffs refuse to indicate, *inter alia*, which Household products or sales are alleged by Plaintiffs to be "illegal" and which state or federal laws Household violated thereby. Rather than disclose at this late stage in discovery what *Plaintiffs mean* when they repeatedly make the vague accusation of "illegal predatory lending practices" at Household, Plaintiffs now argue that the term itself is unavoidably ambiguous. (*See*

---

1 "Interrogatories" refers to Household Defendants' Second Set of Interrogatories to Lead Plaintiffs. (See Affidavit of David R. Owen dated June 29, 2006 ("Owen Aff."), Ex. 7).

2 "Plaintiffs' Brief" refers to Lead Plaintiffs' Response to the Household Defendants' Motion to Compel Responses to Household Defendants' Second Set of Interrogatories filed on July 13, 2006.

id. at 8-9 (asserting that the term is "not susceptible" to any "precise" definition)). This is not about semantics or word play. Plaintiffs' definition goes to the heart of their claims of misrepresentation allegedly made with respect to the alleged (but undefined) "illegal predatory lending practices." Plaintiffs do not explain how a fraud against investors can flow from such an admittedly ambiguous allegation. Indeed, Plaintiffs' "definition" does not offer anything sufficiently definite to be the subject of any misrepresentations at all.

Plaintiffs argue that requiring responses to these Interrogatories is generally "inefficient" because they are not sure what their contentions are and they might be required to make "revisions" to their contentions later. (*Id.* at 1). Putting aside that "revisions" are contemplated (and required) by the Federal Rules, Plaintiffs' "inefficiency" position is baseless. Plaintiffs have a veritable mountain of information from which to set forth their contentions in this case, including: (a) 154 pages of allegations in their Complaint,[3] (b) 4 million+ pages of documents already produced to them, (c) 86 interrogatories and 251 requests to admit they have served, and (d) 28 days of deposition testimony they have already taken. In fact, if all of the 4.6 million+ pages produced by Defendants were piled into a single stack, the pile would be taller than the Sears Tower. That should provide more than enough material from which to fashion their contentions in this case.

This Court has already addressed this issue in connection with Plaintiffs' own interrogatories, ordering responses to contention interrogatories more than six months ago. Plaintiffs now ask that a different rule be applied to them. As this Court has noted in conferences with the par-

---

[3] "Complaint" or "AC" refers to Lead Plaintiffs' [Corrected] Amended Consolidated Class Action Complaint.

ties, discovery is a two-way street under the Federal Rules—even in securities cases.[4] It remains Plaintiffs' burden to explain what their contentions are with a reasonable degree of specificity, and to then prove those claims with specific evidence. Plaintiffs' opposition to this Motion rejects both of these burdens in favor of litigation by ambush and vague innuendo. Postponing the responses Defendants have requested will hobble Household's defense and delay the completion of discovery. After four years, this case is rapidly approaching the end of discovery. The time for Plaintiffs to explain their claims has arrived.[5]

ARGUMENT

A. Plaintiffs Must Be Required to Disclose the Basis of the "Predatory Lending" Claims Alleged in the Amended Complaint (Nos. 9-14)

While four years have passed since Plaintiffs first accused Defendants of engaging in "a massive predatory lending scheme" (AC at ¶3), Plaintiffs have yet to articulate the particulars of what the alleged "scheme" actually covered. The purpose of Defendants' Interrogatories is to elicit this very information, asking Plaintiffs to: (a) provide Plaintiffs' definition of "predatory lending" as alleged in the Amended Complaint, and (b) identify which Household products and policies they claim to include within their definition. (*See* Affidavit of David R. Owen dated

---

4 Notwithstanding the mutual discovery obligations required by the Federal Rules, discovery in this litigation has been asymmetrical warfare. Defendants have responded to all of Plaintiffs' voluminous discovery requests while Defendants' discovery of Plaintiffs has been stayed. Interrogatories are virtually the sole means for Defendants to discover the factual underpinnings of Plaintiffs' claims. Plaintiffs should not be permitted to avoid the limited discovery that Defendants are able to serve on them.

5 In the event that no particularized definition of "illegal predatory lending" as alleged in the Amended Complaint is forthcoming from Plaintiffs, Defendants submit that several remedies are appropriate, including: (1) striking the allegations asserting "illegal predatory lending," (2) precluding submission of evidence of supposed "illegal predatory lending," or (3) dismissal of the "illegal predatory lending" theory of fraud alleged in the Amended Complaint.

June 29, 2006 ("Owen Aff."), Ex. 7 at 2-3). Plaintiffs have refused to do either, claiming that the term "predatory lending" is too vague to define with any precision.

To this effect, Plaintiffs' opposition to this Motion states: "[t]o the extent defendants seek a precise definition of the term predatory lending . . . they seek too much." (Plaintiffs' Brief at 8). According to Plaintiffs, the specific details of their allegations of "predatory lending" are not sufficiently significant to their claims to be necessary for this litigation. (*Id.* at 8-9). Plaintiffs explain that the "definition of illegal predatory lending would do nothing to further illuminate this issue." (Plaintiffs' Brief at 9).

The meaning which Plaintiffs attribute to the term "predatory lending" is at the forefront of this litigation—and Plaintiffs put it there. The term "predatory lending" appears over *seventy* times in Plaintiffs' Complaint. In fact, Section VI.A of the Complaint—setting forth the alleged "predatory lending" theory—is titled "**HOUSEHOLD'S ILLEGAL PREDATORY LENDING PRACTICES WERE FORMULATED BY DEFENDANTS AT THE COMPANY'S CORPORATE HEADQUARTERS.**" (AC Section VI.A (emphasis and capitals in original)). Plaintiffs must explain what "illegal practices" were "formulated" at headquarters to support their claim of securities fraud predicated upon a misrepresentation of those alleged practices.

Instead, Plaintiffs' response is little more than a mish-mash of vaguely and broadly described lending abuses lumped together with legitimate financial products like credit insurance and discount points.[6] (See Owen Aff., Ex. 8 at 24-26). The response provides no indication that

---

[6] It is important to note that many of the products and practices alluded to are common and legal

Footnote continued on next page.

any of Household's actual products or sales practices was "illegal" in any jurisdiction in which it was sold or authorized. Apart from "EZ Pay Plus"—a perfectly legal biweekly payment plan—not a single product or policy of Household is specifically mentioned. (*Id.*) What laws were allegedly violated? Federal laws? State laws? Which states? When? How?

If Defendants were systematically selling "illegal" products "formulated at the Company's Corporate Headquarters," Plaintiffs must provide an explanation of the details of these "predatory lending" pleadings. Where responses to interrogatories provide little more than what is contained in the pleadings, courts have found the responses "substantially unresponsive." *Schaller Telephone Co.,* v. *Golden Sky Systems, Inc.,* 139 F. Supp. 2d 1071, 1100-1101 (N.D. Iowa 2001). Defendants have requested these details underlying the Complaint's allegations. Plaintiffs must provide them.

Without a meaningful definition of what Plaintiffs are claiming there is no way for Defendants to defend against Plaintiffs' allegations with any particularity or specificity. Neither Defendants nor the Court will be able to determine whether any misrepresentations were made or whether Defendants' disclosures to the public were accurate. Nor will there be any way to evaluate the materiality of any alleged discrepancies. In short, there will be no way for anyone to determine whether Plaintiffs' claims amount to securities fraud.

Footnote continued from previous page.

> and are neither intrinsically illegal or abusive. The ambiguity reflected in Plaintiffs' allegations about these vital distinctions increases the need for a delineation by Plaintiffs that helps to explain what the supposed object of alleged misstatements or omissions are. It is for this reason that Defendants interposed Interrogatories Nos. 10-14, which seek to establish precisely what plaintiffs are claiming with respect to these legal products. Plaintiffs' responses to these interrogatories don't answer these questions either and simply circle back to Plaintiffs' meaningless "definition." (*See* Owen Aff., Ex. 8 at 26-30).

Plaintiffs go further than just claiming that they need not define "predatory lending" with any specificity. Plaintiffs actually assert that they *cannot* define it—citing Defendants' inability to define the term as a justification and an excuse. (*See* Plaintiffs' Brief at 9 ("Company witnesses have similarly been unable to define predatory lending.")). This argument misses the point. It is not Defendants who bear the burden in this litigation, it is Plaintiffs. It was Plaintiffs who instigated this lawsuit. It is Plaintiffs who claim that "Illegal Predatory Lending Practices" were formulated by Defendants at the Company's headquarters. (AC Section VI.A). Thus, it is Plaintiffs who must articulate what they mean. These Interrogatories only concern *Plaintiffs'* definition.

If the term "predatory lending" as used by Plaintiffs has no definite meaning, as Plaintiffs now contend, then Plaintiffs' allegation that Household engaged in "predatory lending" must also be meaningless. Likewise, Household's alleged misrepresentation of "we do not do predatory lending" cannot be unambiguously true or false in the absence of any reasonably definite criteria.[7]

It is well settled that such vague contentions cannot be the basis of securities fraud. *See Makor Issues & Rights, Ltd.* v. *Tellabs, Inc.*, 437 F.3d 588, 596 (7th Cir. 2006) ("If the statement amounts to vague aspiration or unspecific puffery, it is not material."). *See also Presidio Enterprises, Inc.* v. *Warner Bros. Distrib. Corp.*, 784 F. 2d 674, 679 (5th Cir. 1986) (holding that "vague, essentially indefinable terms" not capable of being judged true or false cannot constitute

---

[7] Plaintiffs illogically equate the ambiguity of the term "predatory lending" a term for which no particular cause of action exists, with "fraud" a well established cause of action with a definite meaning and particularized requirements. (Plaintiffs' Brief at 9).

fraudulent misrepresentations). How can one make a misrepresentation as to something that has no definition? Indeed, it is precisely where a term used by a plaintiff is not "understandable on [its] face" that a Plaintiff should be required to clarify their use of that term. *See Portis* v. *City of Chicago*, No. 02 C 3139, 2005 U.S. Dist. LEXIS 7972, at *15-16 (N.D. Ill. Apr. 15, 2005) (Nolan, M.J.). It would be illogical to require Plaintiffs only to define terms having a well-settled meaning—preventing clarification in the precise circumstances in which it is needed.

B. There Is No Basis To Delay Responding To Any Contention Interrogatories (Nos. 7, 15-27)

While providing inadequate responses to Defendants' contention interrogatories regarding their definition of predatory lending (Nos. 9-14), Plaintiffs have provided *no answer* to the remainder of Defendants' contention interrogatories (Nos. 7, 15-27), insisting that responses need not be provided until the "end of discovery." (Plaintiffs' Brief at 6). Plaintiffs give no rationale for distinguishing some contention interrogatories from others they deigned to answer (deficiently). They assert only that there has been insufficient discovery to respond now to the ones they have declined to presently consider. The reasonable inference is that it suits their preference to delay answering as long as possible.

With only months left until the end of fact discovery, the court has indicated a desire to accelerate and complete discovery. Plaintiffs' refusal to answer these Interrogatories can only prolong discovery even more. Plaintiffs' position is also flatly at odds with the Court's prior Order directing Defendants to respond to similar contention interrogatories more than six months

ago.[8] As this Court previously explained to the parties: "The appropriate timing for contention interrogatories depends on the facts of the case and, ultimately, it is within the court's discretion to determine when contention interrogatories should be answered." (Owen Aff., Ex. 1 at 4 (Order, *citing Ziemack* v. *Centel Corp.*, No 92 C 3551, 1995 WL 729295, at *2 (N.D. Ill. Dec. 7, 1995))). While Plaintiffs continue to rely on the general proposition that responses to contention interrogatories are ordinarily left until "near the end of discovery" (Plaintiffs' Brief at 4, *citing* Order at 4), the Court has already determined that this is not an ordinary case—ordering that responses to contention interrogatories should not be delayed until the completion of fact discovery. (*See* Owen Aff., Ex. 1 at 6).

Plaintiffs have presented no reason why the Court's Order or its underlying reasoning was in error.[9] Moreover, Plaintiffs have overlooked the fact that responses would not actually be "early." Over nine months ago Plaintiffs stated that "[w]ith less than four months left before fact discovery ends, ***discovery is near an end***." (Owen Aff., Ex. 4 at 5 (Plaintiffs' Reply)[10] (emphasis in original)). This case is already well past the time contemplated by Plaintiffs' prior inconsistent argument.

---

8 "Order" refers to the Court's November 10, 2005 Order of Magistrate Judge Nan R. Nolan. (Owen Aff., Ex. 1).

9 Significantly, Plaintiffs do not dispute the Court's determination that "[i]nterrogatories seeking the identification of witnesses and documents, on the other hand, are not contention interrogatories" and require immediate response. (Owen Aff., Ex. 1 at 3-4 (quotations and citations omitted)). Plaintiffs, therefore, should be compelled to respond to the portions of Defendants' Interrogatories that request documents (Nos. 7 and 16-27) without any further delay.

10 "Plaintiffs' Reply" refers to Lead Plaintiffs' Reply in Support of Motion to Compel Responses to First Set of Interrogatories From Household Defendants filed on September 27, 2005. (Owen Aff., Ex. 4).

Case law overwhelmingly supports compelling responses to contention interrogatories under these factual circumstances—where (i) substantial discovery has already been conducted, (ii) the interrogatories request factual support for plaintiffs' pleading, and (iii) defendants have already answered plaintiffs' contention interrogatories. "When one party poses contention interrogatories after considerable discovery, and the opposing party refuses to answer the interrogatories, courts routinely compel the resisting party to answer the interrogatories." *Calobrace* v. *American National Can Co.*, No. 93 C 0999, 1995 U.S. Dist. LEXIS 1371, at *3 (N.D. Ill. Feb. 3, 1995) (Guzman, J.). *See Ziemack*, 1995 WL 729295, at *2 (granting defendant's motion to compel responses to contention interrogatories, stating that "[a]lthough discovery has not yet ended, a significant amount of discovery has already taken place in this three and one half year old case"). *See also Thomas & Betts Corp.* v. *Panduit Corp.*, No. 93 C 4017, 1996 U.S. Dist. LEXIS 4494, at *8 (N.D. Ill. Apr. 8, 1996) (holding that because discovery had been ongoing for two years and despite the fact that discovery was not "significantly complete[]", "[plaintiffs] must answer any contention interrogatories at issue here with whatever information is currently available" so as to "narrow[] the issues and find[] out exactly what [plaintiff] actually contends").

To date, Plaintiffs have received over four million pages of documents, have issued 86 interrogatories, 251 requests to admit, and taken almost 30 days of depositions testimony. Plaintiffs have access to the same information as Defendants, yet claim that the few outstanding depositions should eliminate any obligation to respond now. (Plaintiffs' Brief at 5). This position has been specifically rejected by the courts of this district. *See, e.g., Calobrace*, 1995 U.S. Dist. LEXIS 1371, at *2-4 (Guzman, J.) (ordering plaintiffs to respond to defendants' contention interrogatories despite plaintiffs not having yet deposed defendant directors because there had already

been "considerable discovery" and the "interrogatories ask simple straight forward questions as to the particulars behind [plaintiffs' claim]").[11]

Courts also routinely compel responses to contention interrogatories prior to the end of discovery where, as here, the interrogatories request factual support for claims in the Complaint. *See Calobrace*, 1995 U.S. Dist. LEXIS 1371, at *3-4. Every interrogatory that Plaintiffs have refused to answer relates explicitly to Plaintiffs' own allegations as set forth in the Complaint. Therefore, Plaintiffs need conduct no discovery to provide this information. Plaintiffs were required to have it on the day they filed the Complaint under Fed. R. Civ. P. 11. Defendants are therefore entitled to know the factual basis, *vel non*, upon which Plaintiffs predicate their claim. *See, e.g., Rusty Jones, Inc.* v. *Beatrice Co.*, No. 89 C 7381, 1990 WL 139145, at *2 (N.D. Ill. Sept. 14, 1990) ("[Plaintiff] certainly investigated the case before filing their complaint in order to have some factual basis upon which to base its allegations, in compliance with Fed. R. Civ. P. 11. Therefore, the court finds [plaintiff] does have sufficient information with which to answer [defendant's] contention interrogatories.").

Plaintiffs also weakly argue that their satisfaction of Rule 9(b) excuses them from any duty to respond to contention interrogatories that pertain to the factual basis of their claims. (Plaintiffs' Brief at 6-7). This argument is meritless. As this Court has noted, by definition:

---

[11] Plaintiffs' claim that responses could require Plaintiffs to supplement their answers later as more information is discovered (Plaintiffs' Brief at 6) is also no reason for denying Defendants' Motion. Not only is the possibility of supplementing interrogatories contemplated by the Federal Rules of Civil Procedure, it is *specifically required*. Fed R. Civ. P. 26(e)(2). Additionally, Plaintiffs' claim that additional information could come to light requiring Plaintiffs to materially change their answers (*id.* at 4) is also without merit. Defendants' Interrogatories ask for factual support for Plaintiffs' claims. While additional facts may come to light, the allegations themselves should not change.

"[c]ontention interrogatories are interrogatories that seek to clarify the basis for or scope of an adversary's legal claims." (Owen Aff., Ex. 1 at 4 (Order)). If surviving a motion to dismiss eliminated a plaintiff's obligation to respond to contention interrogatories, then contention interrogatories would *never* have to be answered. Plaintiffs' reasoning is specious. The law is quite the opposite of what Plaintiffs claim. "[C]ourts have held that where the allegations are pled with particularity, the parties may then rely upon interrogatories for specific details." *EMC Corp.* v. *Storage Technology Corp.*, 921 F. Supp. 1261, 1264 (D. Del. 1996) (citing cases).

Recognizing the mutual obligation of discovery, courts require plaintiffs to respond to contention interrogatories prior to the end of discovery when defendants have already been compelled to respond to plaintiffs' contention interrogatories. *E.g., Rusty Jones*, 1990 WL 139145, at *2 (granting defendant's motion to compel answers to contention interrogatories before the end of discovery, noting that the defendant had already answered plaintiff's contention interrogatories); *McCormick-Morgan, Inc.* v. *Teledyne Industries, Inc.*, 134 F.R.D. 275, 287-288 (N.D. Cal. 1991) (holding that plaintiff must answer defendant's contention interrogatories and, conversely, defendant must answer any sensible contention interrogatories which plaintiff decides to serve). Discovery is a two-way street. At Plaintiffs' request, Defendants have been required to set forth the factual basis of their pleading. Fundamental fairness dictates that Plaintiffs should be required to do the same.

C. Defendants Have Not "Waived" Their Right to Responses (Nos. 10-14)

Interrogatories Nos. 10-14 ask Plaintiffs to indicate whether five particular products about which Plaintiffs posed interrogatories were included within Plaintiffs' definition of "illegal predatory lending" (No. 9) and whether the revenue gained from these practices are alleged to be "ill-gotten gains" from the alleged "illegal predatory lending." Plaintiffs refused to say. Instead

they dismissively referred Defendants back to their general "definition" of predatory lending, which they have now admitted is meaningless.

Instead of addressing the merits of Defendants' Motion and seeking to justify the answers they provided, Plaintiffs' opposition asserts that Defendants did not meet and confer as to the deficiencies in these interrogatory responses. (Plaintiffs' Brief at 11). This contention is inaccurate. On June 15, 2006, prior to the status conference before Magistrate Judge Nolan, Defendants met and conferred a second time with Plaintiffs for an hour in a room provided by the Court for this purpose. At that meeting Defendants indicated their continuing dissatisfaction with Plaintiffs' amended "responses" and their intention to make this Motion. Plaintiffs indicated no intention to further amend their responses. When Defendants raised the issue at the hearing that followed, the Court set the briefing schedule for this Motion challenging those responses. Plaintiffs can hardly claim to be surprised. Moreover, Plaintiffs offer no indication that they are actually willing to provide the requested responses.

Plaintiffs' argument now seeks to manufacture an excuse out of thin air and use it to excuse and further delay the responses sought herein. Defendants met and conferred twice with Plaintiffs with respect to these Interrogatories. Defendants have met their burden under Fed. R. Civ. P. 37(a)(2)(B)—a fact implicitly acknowledged when the Court set the motion schedule at the June 15, 2006 status conference. For Plaintiffs to argue now that Defendants did not meet and confer is disingenuous and of no effect. It is simply another example of non-substantive and meritless arguments designed to further delay or avoid responding to Defendants' Interrogatories as long as possible.

Finally, Plaintiffs claim that Defendants are "estopped" from requesting information that Plaintiffs omitted from the amended responses to Nos. 10-14. The "estoppel" Plaintiffs

claim supposedly arises because Plaintiffs previously offered to provide some or all of the information that Defendants seek in exchange for a modification of the interrogatory itself. Defendants refused to modify the simple and straight-forward questions to suit Plaintiffs' professed need for more "clarity." (*See* Plaintiffs' Brief at 2, 11). Plaintiffs' Brief is vague about what they previously "offered" to provide, but the argument makes clear that Plaintiffs have held at least something back in favor of making their waiver argument instead.

As evidenced by Plaintiffs' failure to cite to even one case supporting such a stance, this position has no basis in law or logic. Defendants have not waived their right to an answer. Plaintiffs have never provided any substantive answer and that is the point of Defendants' Motion. Defendants' position was (and is) simply that the Interrogatories as drafted do not need to be modified or "clarified" at all—that Plaintiffs should respond to them as served. (*See* quoted discussion in Plaintiffs' Brief at 2 ("We think it is a proper interrogatory . . . That's our position.")). If Plaintiffs' position is that they were previously willing to provide missing information in further amended response to Defendants' Interrogatories *as served*, then no dispute exists. Plaintiffs' professed willingness to respond before cannot, however, be a basis for holding back responsive information now.

CONCLUSION

For the foregoing reasons, Defendants respectfully request that Defendants' motion to compel be granted, that Plaintiffs be ordered substantively to respond forthwith to all Interrogatories that they have refused to respond to and that Plaintiffs be ordered to provide new and substantively responsive answers to Interrogatories No. 9-14.

Dated: July 21, 2006

EIMER STAHL KLEVORN & SOLBERG LLP

By: s/ Adam B. Deutsch
Nathan P. Eimer
Adam B. Deutsch
224 South Michigan Ave.
Suite 1100
Chicago, Illinois 60604
(312) 660-7600

-and-

CAHILL GORDON & REINDEL LLP
Thomas J. Kavaler
Howard G. Sloane
Landis C. Best
Patricia Farren
David R. Owen
80 Pine Street
New York, New York 10005
(212) 701-3000

Attorneys for Defendants Household International, Inc., Household Finance Corporation, William F. Aldinger, David A. Schoenholz, Gary Gilmer and J.A. Vozar

CERTIFICATE OF SERVICE

Adam B. Deutsch, an attorney, certifies that on July 21, 2006, he caused to be served copies of Reply Memorandum of Law in Further Support of the Household Defendants' Motion to Compel Responses to Household Defendants' Second Set of Interrogatories to Lead Plaintiffs,, to the parties listed below via the manner stated.

/s/ Adam B. Deutsch
Adam B. Deutsch

Via E-mail and Fed-Ex

Marvin A. Miller
Lori A. Fanning
MILLER FAUCHER and CAFFERTY LLP
30 North LaSalle Street, Suite 3200
Chicago, Illinois 60602
(312) 782-4880
(312) 782-4485 (fax)

Via E-mail and Fed-Ex

Patrick J. Coughlin
Azra Z. Mehdi
Cameron Baker
Luke O. Brooks
LERACH COUGHLIN STOIA
& ROBBINS LLP
100 Pine Street, Suite 2600
San Francisco, California 94111
(415) 288-4545
(415) 288-4534 (fax)