

United States District Court, Northern District of Illinois

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| Name of Assigned Judge or Magistrate Judge | Ronald A. Guzman | Sitting Judge if Other than Assigned Judge | Nan R. Nolan |
| CASE NUMBER | 02 C 5893 | DATE | 10/30/06 |
| CASE TITLE | Jaffe vs. Household Intl Inc, et al | | |

DOCKET ENTRY TEXT

Telephone conference held. Unless otherwise agreed by the parties without further court intervention, the deposition of Robin Allcock will take place on January 16 or 17, 2007. Defendants will contact Mr. Gilmer to determine whether he is available for his deposition on or after January 22, 2007. If not, his deposition will proceed as scheduled on January 11 and 12, 2007. Defendants will also contact Douglas Friedrich and notify him of the court's request that he make himself available for his deposition sometime in December, including weekends if necessary. If Mr. Friedrich cannot make himself available in December, his deposition will proceed on January 25, 2007. The deposition of Dennis Hueman will take place in Costa Mesa, California.

■ [For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

With respect to the state agency documents issue, the court has granted the New York State Banking Department additional time until November 1, 2006 to submit a brief regarding its documents. The court defers ruling on the production of these documents pending New York's response.

Arizona, Iowa, Minnesota, and West Virginia have not submitted supplemental briefs in response to either of the court's two invitations. The initial letter response from Arizona dated August 10, 2006 stated Arizona's general objection to disclosure but did not provide any supporting rationale. The letter from Iowa dated August 31, 2006 stated that it was up to the court, and not the Iowa Division of Banking, to determine whether good cause exists to overcome the bank examination privilege. The letter from Minnesota dated August 29, 2006 stated that the requested information could not be disclosed "without a court order." The letter from West Virginia dated August 7, 2006 similarly stated that the West Virginia Division of Banking could not authorize disclosure "absent a court order." The court has carefully considered the parties' arguments, including a balancing of Plaintiffs' showing of good cause as compared with the cursory statements contained in the state agency letters, and hereby orders that the documents from these four states be produced subject to the Protective Order.

The Wisconsin state agency has agreed to allow the Class to review its documents *in camera*. The Class will then prepare a joint stipulation regarding the contents of the documents to be used for all purposes in this case. The court finds this arrangement acceptable. The court also finds this procedure reasonable with respect to the New Mexico documents, as suggested by Plaintiffs. Notably, the New Mexico state agency has stated that its records may be released "by order of a court of competent jurisdiction."

Defendants have until November 3, 2007 to submit a brief in response to the remainder of the Class' Proposal Regarding State Agency Documents. Defendants should address Plaintiffs' request for documents from

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Hawaii, Kansas, North Carolina and Ohio, and the production of Household's internal documents relating to the state agencies. Defendants should explain any attempt to withhold internal documents relating to state agencies that have produced or will produce their documents either voluntarily or by court order.

Status remains set for November 30, 2006 at 10:30 CST.