

**United States District Court, Northern District of Illinois**

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|---|-------------------------------------|---|--------------|
| <b>Name of Assigned Judge or Magistrate Judge</b> | Ronald A. Guzman                    | <b>Sitting Judge if Other than Assigned Judge</b> | Nan R. Nolan |
| <b>CASE NUMBER</b>                                | 02 C 5893                           | <b>DATE</b>                                       | 01/24/07     |
| <b>CASE TITLE</b>                                 | Jaffe vs. Household Intl Inc, et al |   |              |

**DOCKET ENTRY TEXT**

Status hearing held. Parties are to continue working together to schedule depositions, including communicating this week about dates for the Wells Fargo and Morgan Stanley depositions. Parties are to craft an agreed statement to read to witnesses at the beginning of each deposition, explaining that they should only answer questions about which they have personal knowledge. Objections during the deposition should then be limited to a concise, specific statement, such as objection as to the form of the question.

■ [ For further details see text below.]

Notices mailed by Judicial staff.

**STATEMENT**

In response to a court order, Defendants have produced a general ledger spreadsheet reflecting the sum total of all trades Household made in each month. Plaintiffs' request for the underlying receipts and notes reflecting dates, volume, and price of stock sold and/or purchased is denied. To the extent such receipts are not readily available and, indeed, may not even exist, the court agrees that at this late stage of discovery, such an exercise would be overly burdensome, costly, and time-consuming. *See Patterson v. Avery Dennison Corp.*, 281 F.3d 676, 681 (7th Cir. 2002) ("District courts have broad discretion in matters relating to discovery," including limiting discovery where the value of the material sought is outweighed by the burden of providing it).

Defendants will produce immediately redacted and unredacted versions of David Schoenholz's calendar for *in camera* review. Defendants are to exclude any purely personal information, such as doctor's appointments, and the court will determine whether the remainder of the entries are appropriately redacted under Rule 26. Defendants will also identify which documents from a joint production are responsive to Plaintiffs' request for quality assurance records. As for the Andrew Kahr compensation documents, the parties will either draft a stipulation, or Defendants will respond to one interrogatory verifying Mr. Kahr's payments through wire transfers.

Defendants may issue deposition notices to named Plaintiffs not addressed in this court's November 13, 2006 Order denying depositions of named class representatives and their financial advisors, to ensure there is no argument that such discovery is time-barred. The court does not take a position at this time, however, as to whether such depositions would be appropriate.

Defendants object that Plaintiffs have not produced their attorneys' correspondence with state agencies regarding state agency documents relating to Household. Plaintiffs confirmed for the court that they have produced all documents actually received from the state agencies, but Defendants argue that they need to know

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what documents Plaintiffs requested, even if they did not receive them. Attorney correspondence with third-parties is not protected by any privilege, and the letters are relevant under Rule 26. *See Rubin v. Islamic Republic of Iran*, 349 F. Supp. 2d 1108, 1111 (N.D. Ill. 2004) (“[T]he scope of discovery is generally very broad, incorporating any nonprivileged documents and/or tangible things that are relevant to the subject matter involved in the action.”) Plaintiffs are ordered to produce the letters to Defendants by January 31, 2007.

The court has carefully considered the arguments raised regarding Plaintiffs’ answers to Defendants’ court-ordered supplemental and fourth set of interrogatories and overrules Defendants’ objections. Plaintiffs have sufficiently identified Household’s allegedly illegal products and revenues, as asked in the interrogatories. Defendants’ attempt to once again verbally amend the interrogatories to seek slightly different information is rejected. The court also declines to place limits on the parties relating to the trial, which is the domain of the district court.

Plaintiffs are to disclose experts and tender reports by March 30, 2007. Defendants to disclose experts and tender reports by June 1, 2007. Plaintiffs to disclose rebuttal experts and tender reports by June 29, 2007. Expert discovery and depositions to be completed by August 17, 2007.

Status set for February 12, 2007 at 2:00pm CST. Out-of-town counsel may participate by telephone, but the court asks that local counsel be present.