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March 19, 2009

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BY ELECTRONIC MAIL

Hon. Jamie D. Happas, J.S.C
Superior Court of New Jersey
Law Division
Middlesex County
56 Patterson Street
New Brunswick, NJ 08903-2633

Re: In Re: Risperdal/Seroquel/ Zyprexa Litigation, Case Code 274, Docket No: L-6661-06

Dear Judge Happas,:

This firm represents non-party Joseph Biederman, M.D. with regard to the above-referenced action. Together with our co-counsel at the firm of Lampf, Lipkind, Prupis & Petigrow, we write to alert the Court to a new development concerning to Dr. Biederman's pending Motion for a Protective Order. On March 17, 2008, Dr. Biederman received an e-mailed request from Gardiner Harris, a Science Correspondent for the New York Times. (*See Enclosure*). In that request, Mr. Harris references documents from "the multistate litigation" that he has "unearthed" relating to Dr. Biederman's work. Dr. Biederman is unaware of any new documents containing information about him except those produced by him pursuant to the subpoena *duces tecum*. Mr. Harris has not responded to Dr. Biederman's request to provide more information, and we do not know the source of the documents to Mr. Harris.

Mr. Harris's email highlights the national media's ongoing interest in Dr. Biederman and his need for the Court's protection. Mr. Harris has previously published poorly researched accusations against Dr. Biederman in the New York Times. These accusations publicly embarrassed Dr. Biederman and, in part, led to an agreement to forestall contact with pharmaceutical companies.

Additionally, this e-mail further highlights the need for the Court to affirmatively protect Dr. Biederman's pre-trial discovery information. The New Jersey courts have shown a preference for privacy of pretrial discovery documents and under New Jersey Rules of Court R. 1:38 these documents are not public records.

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We look forward to discussing these issues with the Court during the telephonic oral argument that is scheduled for Friday, March 20

Best regards,

A handwritten signature in black ink that reads "Peter A. Spivack". The signature is written in a cursive style with a long horizontal line extending to the right.

Peter Spivack
Admitted pro hac vice
/pss

Enclosures: Email from Gardiner Harris, New York Times Science Correspondent to Joseph Biederman, M.D.

cc: Special Master Agatha Dzikiewicz, Esq.
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