

The Zyprexa Papers: What You Can Do

Who is Jim Gottstein? He is President and CEO of PsychRights. See <http://psychrights.org/>

What are the Zyprexa Papers? They are crucial documents in the fight to hold Eli Lilly accountable for hiding harm caused by Zyprexa and their illegal marketing of it.

What is the problem? Jim Gottstein, in his effort to hold Eli Lilly accountable has become embroiled in a legal battle with this pharmaceutical giant. (2005 Revenues: 14.6 Billion) Jim Gottstein faces financially ruinous sanctions in his attempt to protect and inform the public.

What can you do? Below are background information and possible actions you can take.

Background. Jim obtained the Zyprexa Papers by subpoenaing Dr. David Egilman *as provided in the Protective Order* in a case where he served as an expert witness. An expert in Public Health, Dr. Egilman had been retained by a plaintiff's law firm in the massive litigation over Zyprexa causing diabetes and other metabolic disease. When Jim received the papers, he released them to New York Times reporter Alex Berenson and others. As reported in the New York Times, the Zyprexa Papers prove Lilly hid the dangers of Zyprexa, downplayed its risks to doctors, and illegally marketed it to primary care physicians and the nursing home industry for non-FDA-approved uses. Not reported by the Times is that Zyprexa is also being illegally marketed for administration to children, especially those who have been taken away from their families. As a result of what was revealed in the Zyprexa Papers, the New York Times has called for a Congressional Investigation into Lilly's practices.

On February 13, 2007, in spite of inviting a Congressional Investigation, Judge Weinstein erroneously concluded in very harsh terms that Jim had conspired with Dr. Egilman and Mr. Berenson to violate the Protective Order that had kept them secret, and ordered the Zyprexa Papers be returned by Jim and certain other people. This decision has set Jim up for financially ruinous contempt of court sanctions and potential action against his license to practice law.

If you want to be a part of the efforts to hold Eli Lilly accountable and support Jim, the following are things you can do:

Congressional Investigation Contact Congress, encouraging them to subpoena the Zyprexa Papers, and investigate Lilly and other companies' illegal marketing practices promoting off-label uses of psychiatric medications, especially on children and the elderly. The following Committees and their members can be contacted. Members and contact information for each committee can be found on the listed websites. It doesn't hurt to contact all members of these committees, but members of Congress are most responsive to people from their districts.

- The **House Committee on Oversight and Government Reform** has requested Eli Lilly produce documents pertaining to the issue. <http://psychrights.org/Issues/ZPapers/3-1-07RepWaxmanLtr.pdf>. This can be the beginning of an investigation. Committee website: <http://oversight.house.gov/>.
- The **House Subcommittee on Oversight and Investigations of the House Committee on Energy and Commerce** is currently holding hearings on the FDA, where the topic of Zyprexa has been raised. <http://energycommerce.house.gov/Subcommittees/ovin.shtml>
- The **Senate Committee on Health, Education, Labor & Pensions** has jurisdiction over this issue. http://help.senate.gov/Health_index.html
- The issue of documents being kept secret in settlements, including the Zyprexa Papers, has been raised in the **Senate Judiciary Committee**. <http://judiciary.senate.gov/>.

Legal Defense Fund. ICSPP has established the Jim Gottstein Legal Defense Fund. Donations are gratefully accepted. http://icspp.org/index.php?option=com_content&task=view&id=163&Itemid=70

More information about all of this is available at <http://psychrights.org/States/Alaska/CaseXX.htm>, and is being kept current.