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Judge Issues Permanent Injunction in Eli Lilly Drug Case

Congress Encouraged to Subpoena Zyprexa Papers

U.S. District Court Judge Jack B. Weinstein issued a permanent injunction today, barring mental health rights advocate and attorney Jim Gottstein, and expert witness Dr. David Egilman, from further distributing internal Eli Lilly documents concerning the drug Zyprexa. The documents were recently reported in the New York Times to contain evidence that Lilly downplayed the risks of Zyprexa, its best-selling drug, and trained its sales force to encourage doctors to prescribe the drug for non-FDA approved uses.

Last December, Gottstein, who is President and CEO of The Law Project for Psychiatric Rights, Inc. (PsychRights®) subpoenaed internal Eli Lilly documents for a case involving forced drugging of a client. The documents were under a protective order as part of a massive products liability case, but the protective order also provided the steps by which the documents might be subpoenaed. Believing he had obtained the documents legally, and because of the importance of the information to patients, doctors, and the general public, Gottstein released the documents to the New York Times and others.

Zyprexa is big business for Lilly: last year's sales of the drug amounted to \$4.4 billion. Lilly sought and obtained an injunction against Gottstein and others to whom he had sent the documents--which Lilly claims contain "trade secrets"-- prohibiting them from disseminating the internal company files. By that time, however, the New York Times had begun publishing stories on the files. Soon thereafter, various versions of the files appeared on the Internet.

"This was not a conspiracy to harm Eli Lilly," says Gottstein. "The Court's order sealing the documents provided for release of the documents in circumstances like these, and I made a concerted good faith effort to follow those provisions to the letter. If anyone truly intended to violate the sealing order, there would have been no reason to even subpoena the documents."

Judge Weinstein saw it differently, outlining other means in the sealing order by which the documents might have been obtained and choosing to continue the injunction against Gottstein. While the injunction also covers others who received the documents directly from Gottstein, but still have not returned them, Judge Weinstein refused to honor Lilly's request to continue the injunction against various websites that had posted the documents, nor were the New York Times or other news organizations who have the documents named in the injunction.

In fact, as Judge Weinstein pointed out in today's order, "There has already been sufficient revelation in the New York Times so that if Congress, the Food and Drug

Administration, or the Federal Trade Commission wish to investigate or act they have grounds for doing so, subpoenaing protected documents as necessary for their purposes."

The most important issue, says Gottstein, is the right of patients and the public to know the truth about Zyprexa. "Zyprexa has killed and permanently sickened thousands of people who have taken it. The files show that the manufacturer hid vital information about the drug's safety not only from patients, but also from doctors. The bottom line is patient safety." He continued, "Did I want to get this information in front of the public and the medical profession? Of course. Additional lives may well have been saved."

Today's order releasing several people and websites from the temporary injunction does not take effect for 10 days, to allow time for Eli Lilly to file an appeal to try and keep them enjoined. Gottstein plans to continue to use mechanisms suggested in the order to obtain access to the documents for his clients. "My continued efforts to obtain the information legally are a testament to my respect for our legal system."

Judge Weinstein's decision, the New York Times articles, and other background information on the case is available on the PsychRights website at <http://psychrights.org>.

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The Law Project for Psychiatric Rights is a public interest law firm devoted to the defense of people facing unwarranted forced psychiatric drugging and other forced psychiatric interventions. PsychRights is further dedicated to exposing the truth about these treatments and that the courts are being misled into ordering people to be subjected to damaging drugs against their will. Extensive information about this is available on the PsychRights web site: <http://psychrights.org/>.