

R. Armitage  
DEC 06 2006

December 6, 2006

Robert A. Armitage  
General Counsel  
Eli Lilly and Company  
Lilly Corporate Center  
Indianapolis, IN 46285  
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Dear Mr. Armitage:

I am a consulting witness in the Zyprexa litigation and have access to over 500,000 documents and depositions which Lilly claims are "Confidential Discovery Materials." Lilly defines these as "any information that the producing party in good faith believes properly protected under Federal Rule of Civil Procedure 26(c)(7)."

Lilly has claimed that newspaper articles and press releases fit this definition. I have received a subpoena attached that calls for the production of all these documents and depositions. In compliance with the protective order I am supplying a complete copy of the subpoena which notifies you of all the following:

- (1) the discovery materials that are requested for production in the subpoena;
- (2) the date on which compliance with the subpoena requested;
- (3) the location at which compliance with the subpoena is requested;
- (4) the identity of the party serving the subpoena; and
- (5) the case name, jurisdiction and index, docket, complaint, charge, civil action or other identification number or other designation identifying the litigation, administrative proceeding or other proceeding in which the subpoena or other process has been issued:

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