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January 25, 2007

VIA FACSIMILE

Honorable Jack B. Weinstein
Senior United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ JAN 30 2007 ★
BROOKLYN OFFICE

Re: *In re Zyprexa Products Liability Litigation*
MDL 1596

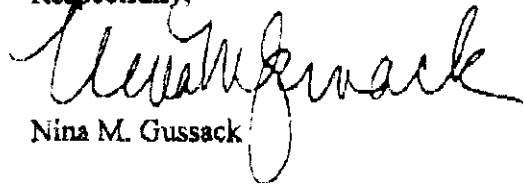
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1/25/07

Dear Judge Weinstein:

As the Court requested at the hearing on January 17, 2007, I advised counsel for Dr. Egilman that Lilly intended to proceed with a contempt motion against Dr. Egilman and seek those sanctions the Court deems appropriate, which may include both civil and criminal sanctions. I have received and have attached Dr. Egilman's counsel's letter advising that Dr. Egilman, "if deposed in regard to the Zyprexa case, will refuse to testify under the protection of the Fifth Amendment." In light of Dr. Egilman's counsel's agreement that such a letter "will have the equivalence of his taking the Fifth for purposes of evidence" (January 17, 2007 Tr. at 250-51), Lilly will not be proceeding to take Dr. Egilman's deposition.

Respectfully,



Nina M. Gussack

NMG/lis
Attachment

cc: Edward W. Hayes, Esquire
Peter H. Woodin, Esquire

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