

D. JOHN McKAY
Attorney at Law
117 E. Cook Ave.
Anchorage, Alaska 99501

Telephone
(907) 274-3154

Fax
(907) 272-5646

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VIA FACSIMILE (215-981-4750) and E-Mail

Nina Gussack, Esq.
Pepper Hamilton LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
Brooklyn, New York 11201

Re: *In re: Zyprexa Products Liability Litigation*
Case No. 04-MDL 1596

Dear Ms. Gussak,

We received yesterday evening a copy of your letter to the court indicating that you do not intend to call any witnesses on Tuesday.

The court has indicated it wishes to have this matter resolved as fully as possible. We believe further that Lilly, as the proponent of the injunctive relief at issue, will not establish a violation of the protective order or that Mr. Gottstein's distribution of the documents at issue was impermissible after Dr. Egilman provided them to him. To accommodate the court's inquiry, we are making arrangements to have Mr. Gottstein available to rebut, if necessary, Lilly's assertions that Dr. Egilman violated CMO-3 by providing the documents at issue to Mr. Gottstein and that Mr. Gottstein acted unlawfully in using the documents obtained from Dr. Egilman. It remains Mr. Gottstein's position that Dr. Egilman complied with the protective order when he provided the documents to Mr. Gottstein, but that in any event, if there were a violation, this is a matter between Dr. Egilman, the court, and your client. Mr. Gottstein subpoenaed the documents, directed Dr. Egilman to comply with any requirements of the protective order in responding to the subpoena, repeatedly advised Dr. Egilman to consult with his own attorney, and, when the documents came to him, was legally free to make use of them.

I anticipate that Mr. Gottstein would be asked about or rely upon documents including:

- the subpoenas issued by Mr. Gottstein to Dr. Egilman, which you have

