

# Exhibit A

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

In re:

ZYPREXA PRODUCTS LIABILITY  
LITIGATION

No. 04-MDL-01596

THIS DOCUMENT RELATES TO:

ALL CASES

**DECLARATION OF LAURA R. MASON IN SUPPORT OF JOHN DOE'S  
SUPPLEMENTAL BRIEF FOR CLARIFICATION OF INJUNCTION**

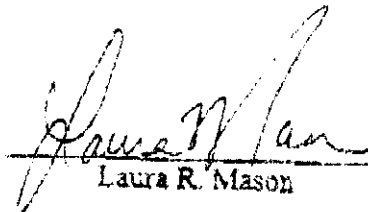
I, LAURA R. MASON, declare as follows:

1. I am a law student at the UC Berkeley School of Law (Boalt Hall). I am also an intern at the Electronic Frontier Foundation. I make this declaration based upon my personal knowledge.
2. On January 9, 2007, I successfully downloaded the Zyprexa memos from two separate locations.
3. To determine whether copies of the Zyprexa memos are available on the internet, I visited Wikipedia, an online encyclopedia located at <http://www.wikipedia.org>. Using "Zyprexa" as a search term, I found an entry on the site devoted to Olanzapine and Zyprexa.
4. Entries on Wikipedia are organized by topic. Under the "Legal" topic section I found two footnotes with links to locations where I was able to download the Zyprexa memos:

- a. Footnote 8 provides a link to a site where the Zyprexa memos can be downloaded using a program called Tor.
    - i. Tor is a free software program that enables users to communicate anonymously through the internet. It also allows users to anonymously post information for others to download.
    - ii. Using Tor, I was able to download the Zyprexa memos at the above listed site.
  - b. Footnote 10 provides a link to a site where the Zyprexa memos can be downloaded using a program called Bit Torrent.
    - i. The address of the site ends in a ".cx" top-level domain, suggesting that the site is hosted on a server on Christmas Island, a territory of Australia.
    - ii. Bit Torrent is a free software program that allows users to efficiently download and share files on the internet.
    - iii. Using Bit Torrent, I was able to download the Zyprexa memos at the above listed site.
5. On both sites, the Zyprexa memos were available for download as a single compressed file with the filename "ZyprexaKills.tar." File compression is commonly used to place multiple documents into a single output file. The single output file is called an "archive." The process of opening an archive is known as "extraction." I was able to extract the Zyprexa memos using a free software program called PowerArchiver.

- 6 Each archive contains 356 TIFF files and 2 PDF files. The documents in the two archives appear to be identical.
- 7. An examination of a random sample of the files suggests that these are the internal Eli Lilly documents referenced in the series of articles regarding Zyprexa recently published by *The New York Times*.
  - a. File ZY1 00008872, from the "Zyprexa Physician Strategy and Consulting Conference," contains an analysis of the weight gain experienced by patients taking Zyprexa.
  - b. File ZY1 00090009 is entitled "Defending Zyprexa on Hyperglycaemia/Diabetes."
  - c. File ZY1 00649495 is Jason's Streit's "Analysis of U.S. Data (1/1/99 - 12/31/99) Regarding Olanzapine and Hyperglycemia."

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is made and executed by me in San Francisco, California, on January 11, 2007.

  
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 Laura R. Mason