

Fred von Lohmann (FV 3955)  
*Appearing pro hac vice*  
ELECTRONIC FRONTIER FOUNDATION  
454 Shotwell St.  
San Francisco, CA 94110  
(415) 436-9333 x123  
fax (415) 436-9993  
fred@eff.org

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

In re: ZYPREXA LITIGATION

No. 07-CV-0504 (JBW)

**NONPARTIES MINDFREEDOM INTERNATIONAL, JUDI CHAMBERLIN,  
ROBERT WHITAKER, VERA SHARAV, DAVID COHEN, ALLIANCE FOR  
HUMAN RESEARCH PROTECTION, AND JOHN DOE'S JOINT PROPOSED  
FINDINGS OF FACT AND OBJECTIONS TO ELI LILLY'S AMENDED  
PROPOSED FINDINGS OF FACT EXHIBITS H-1 – H-3**

# **EXHIBIT H-1**

Date: Mon, 18 Dec 2006 12:18:50 -0500  
From: "John Mack" <[johnmack@virsci.com](mailto:johnmack@virsci.com)>  
Subject: Newsletter Editor and blogger Requests Zyprexa Marketing Documents  
To: <[jim.gottstein@psychrights.org](mailto:jim.gottstein@psychrights.org)>  
Organization: VirSci Corporation  
X-Mailer: Microsoft Outlook Express 6.00.2900.3028

Dear Mr. Gottstein,

In today's NYT article about Lilly and Zyprexa, you were quoted as saying that the documents you submitted to the NYT "should be available to patients and doctors.."

Is the cat sufficiently out of the bag that you can also share these documents with other journalists and bloggers? If so, I would like to get a copy.

I would like to write about this in my Pharma Marketing Blog (see <http://pharmamkting.blogspot.com/>) where I have written extensively on the subject of drug marketing practices, including off-label promotion (see, for example, "Why Drug Companies Promote Off-Label" at <http://pharmamkting.blogspot.com/2006/05/why-drug-companies-promote-off-label.html>).

Thank you.

John Mack, Editor & Publisher  
Pharma Marketing News  
[www.pharmamarketingnews.com](http://www.pharmamarketingnews.com)  
Pharma Marketing Blog  
[www.pharmamarketingblog.com](http://www.pharmamarketingblog.com)  
[johnmack@virsci.com](mailto:johnmack@virsci.com)  
215-504-4164 \* 215-504-5739 (Fax)

**EXHIBIT H-2**

X-ASG-Debug-ID: 1166478865-2ab7000f0000-XSBhIO  
X-Barracuda-URL: <http://mailfilter.ualr.edu:80/cgi-bin/mark.cgi>  
X-Barracuda-Connect: unknown[144.167.17.65]  
X-Barracuda-Start-Time: 1166478865  
To: jim@gottsteinlaw.com  
From: Alexander Lyon <axlyon@ualr.edu>  
X-ASG-Orig-Subj: Zyprexa, down played risks  
Subject: Zyprexa, down played risks  
Date: Mon, 18 Dec 2006 15:57:39 -0600  
X-Mailer: Apple Mail (2.752.2)  
X-Barracuda-Virus-Scanned: by UALR Mail Filter at ualr.edu  
X-Barracuda-Spam-Score: 0.00  
X-Barracuda-Spam-Status: No, SCORE=0.00 using per-user scores of TAG\_LEVEL=1.5  
QUARANTINE\_LEVEL=3.0 KILL\_LEVEL=7.0

James,

I saw the NYT article this weekend about Eli Lilly downplaying the risks of it's drug Zpyrexa. They listed you as the lawyer on the case.

I am an assistant professor of communication studies and I currently research/write on bringing more ethical disclosure practices to the pharmaceutical industry. In fact, I have just gotten a paper accepted to one of our field's major journals (Journal of Applied Communication Research) that examines the Merck/Vioxx documents released by congress about the internal memos, etc. from Merck.

So, here's my question/request. I'd be interested in gaining access to the types of internal emails and documents that were mentioned in the NYT article that the author said your office provided. Is that a possibility? Those internal communications have enormous ethical and academic implications that call for discussion on university campuses. Email and documents like those expose important dynamics and decision-making norms that challenge the pharmaceutical industry's desired reputation as "data-driven" unbiased scientists.

Either way, I'd like to discuss this possibility with you. I know you're busy but are you open to discussing it? Should we talk by phone?

sincerely,

Alexander Lyon (Ph.D. University of Colorado, Boulder)  
Assistant Professor  
University of Arkansas, Little Rock

**EXHIBIT H-3**

Re Zyprexa memos.txt

To: ExecDir@psychrights.org

Subject: Zyprexa memos

Dear Mr. Gottstein -- Congratulations on acquiring the cache of discovery materials in the Zyprexa litigation, I am particularly impressed with your resourcefulness. I am a reporter for the online magazine slate.com, owned by the Washington Post, and my column is called HOT DOCUMENT (sample: <http://www.slate.com/id/2155453/>).

As you would guess, I print copies of documents that are interesting and also "hot." Have you by chance published any of the Lilly marketing materials online or saved them in an internet-accessible file? If not, would you be willing to fax or email me a small sample that I could frame with a short intro and post in my column? The ones quoted by Alex Berenson on Viva Zyprexa or off label marketing would be indeed "hot." Thank you so much for reading and wishing you continued success with the Law Project's mission. Happy holiday, Bonnie Goldstein 301-587-8680

Got a Hot Document? Send it to [documents@slate.com](mailto:documents@slate.com) or [bonniegoldstein@hotmail.com](mailto:bonniegoldstein@hotmail.com) or fax #202-330-5236. Please indicate whether you wish to remain anonymous.

Note New E-mail Address

James B. (Jim) Gottstein, Esq.

Law Project for Psychiatric Rights  
406 G Street, Suite 206  
Anchorage, Alaska 99501  
USA  
Phone: (907) 274-7686 Fax: (907) 274-9493  
[jim.gottstein\[-at-\]psychrights.org](mailto:jim.gottstein[-at-]psychrights.org)  
<http://psychrights.org/>

Psych Rights ®  
Law Project for  
Psychiatric Rights

The Law Project for Psychiatric Rights is a public interest law firm devoted to the defense of people facing the horrors of unwarranted forced psychiatric drugging. We are further dedicated to exposing the truth about these drugs and the courts being misled into ordering people to be drugged and subjected to other brain and body damaging interventions against their will. Extensive information about this is available on our web site, <http://psychrights.org/>. Please donate generously. Our work is fueled with your IRS 501(c) tax deductible donations. Thank you for your ongoing help and support.