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ONE HUNDRED NINTH CONGRESS

# Congress of the United States

## House of Representatives

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December 21, 2006

RECEIVED

JAN - 3 2007

**BY FIRST-CLASS MAIL**

Special Master Peter H. Woodin  
JAMS  
280 Park Avenue, 28<sup>th</sup> Floor  
New York, NY 10017

**Re: In re: Zyprexa Products Liability Litigation, MDL No. 1596 (E.D.N.Y.)**

Dear Special Master Woodin:

I am currently the Ranking Member — and will in January become the Chairman — of the Committee on Government Reform of the U.S. House of Representatives, the House's principal investigative committee. The Government Reform Committee has broad jurisdiction over the operations of the federal government (Rules of the House of Representatives, Rule X.1(h) (109th Cong.)), and general oversight responsibility to "determine whether laws and programs addressing subjects within [its] jurisdiction ... are being implemented and carried out in accordance with the intent of Congress ...." (Rule X.2(b)(1)).

As you may be aware, James B. Gottstein of the Law Project for Psychiatric Rights recently provided the minority staff of the Committee with certain documents related to Zyprexa. Those documents relate to drug safety, a matter within the Committee's oversight jurisdiction.

On Wednesday, December 20, 2006, Mr. Gottstein advised us that the U.S. District Court for the E.D.N.Y. had entered an order in the above-referenced case directing him to "immediately take steps to retrieve any documents subject to th[e] Order, regardless of their current location, and return all such documents to Special Master Woodin." (Order for Mandatory Injunction at 2 (Dec. 18, 2006)). Mr. Gottstein asked that we return to you the documents he provided to the Committee, and delete any copies on Committee computers.

It is my understanding that the District Court's December 18 Order is not directed to the Committee, or any of its Members or staff. Furthermore, any attempt to compel the Committee, or any of its Members or staff to return the documents provided to us by Mr. Gottstein would conflict with the absolute privilege afforded to Members of Congress under the Constitution's

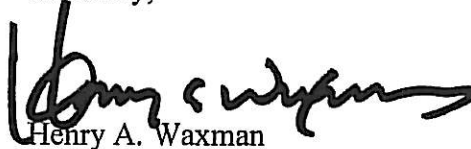
Special Master Peter H. Woodin  
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Speech or Debate Clause (U.S. Const. art. I, § 6, cl. 1; See *Eastland v. United States Serviceman's Fund*, 421 U.S. 491 (1975); *Gravel v. U.S.*, 408 U.S. 606 (1972); *Brown & Williamson Tobacco Corp. v. Williams*, 62 F.3d 408 (D.C. Cir. 1995)).

Nevertheless, out of deference to Mr. Gottstein's wishes, and out of a sense of comity and respect for a coordinate branch of the federal government, we are voluntarily returning the documents provided to us by Mr. Gottstein. Enclosed please find a disc of documents. We have also voluntarily deleted all copies of these documents on Committee computers.

Thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry A. Waxman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Henry A. Waxman  
Ranking Minority Member

Enclosures

cc: Honorable Tom Davis, Chairman  
James B. Gottstein, Esq.