

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

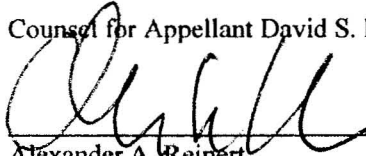
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IN RE: ZYPREXA LITIGATION : Docket No. 07-1030-cv (L)
: Docket No. 07-1107-cv (CON)
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**STIPULATION WITHDRAWING APPEALS FROM ACTIVE CONSIDERATION,
WITHOUT PREJUDICE, WITH LEAVE TO REACTIVATE**

The undersigned counsel hereby stipulate that the above captioned appeals are hereby withdrawn from active consideration before the Court, such withdrawal to be without prejudice to reactivation by appellants' counsel by written notice to the Clerk of this Court on or before October 26, 2007. Two of the parties, Respondent-Appellant David S. Egilman and Petitioner-Appellee Eli Lilly & Company, have been engaged in settlement negotiations, and the purpose of the withdrawal of Dr. Egilman's appeal (Docket No. 07-1030-cv) is for the parties to seek the District Court's approval of a proposed settlement agreement. As noted in earlier filings with this Court by Respondent-Appellant James B. Gottstein, it was anticipated that substantive discussions between Mr. Gottstein and Petitioner-Appellee Eli Lilly & Company regarding settlement would occur, and the purpose of the withdrawal of Mr. Gottstein's appeal (Docket No. 07-1107-cv) is to allow the parties to conduct these settlement discussions. If not reactivated, these appeals are subject to dismissal with prejudice and without costs or attorneys' fees incurred to date. See Hertzner v. Henderson, 292 F.3d 302 (2d Cir. 2002).

Withdrawal of these appeals from active consideration shall not operate as a dismissal of the appeals under FRAP 42(b).

Counsel for Appellant David S. Egilman



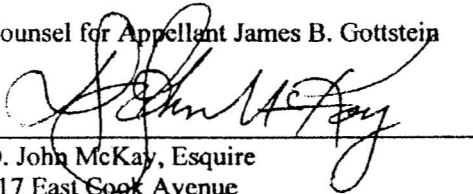
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