

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

: :
IN RE: ZYPREXA LITIGATION : :
: :
_____x

Docket No. 07-1030-cv (L)
Docket No. 07-1107-cv (CON)

STIPULATION CONCERNING CONTINUED WITHDRAWAL
OF ONE CONSOLIDATED APPEAL FROM ACTIVE CONSIDERATION,
WITHOUT PREJUDICE, WITH LEAVE TO REACTIVATE, AND CONCERNING
DISMISSAL OF REMAINING CONSOLIDATED APPEAL

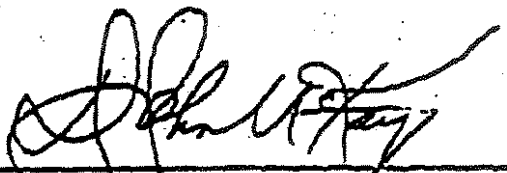
The undersigned counsel hereby stipulate as follows with respect to the status of the two above-referenced consolidated appeals:

The appeal of Respondent-Appellant James B. Gottstein (Docket No. 07-1107-cv) shall be withdrawn from active consideration before the Court, such withdrawal to be without prejudice to reactivation by appellant's counsel by written notice to the Clerk of this Court on or before December 10, 2007. As noted in earlier filings with this Court, it was anticipated that substantive discussions between Mr. Gottstein and Petitioner-Appellee Eli Lilly & Company would occur, and the purpose of the withdrawal of Mr. Gottstein's appeal 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, Hertner v. Henderson, 292 F.3d 302 (2d Cir. 2002). Withdrawal of this appeal shall not operate as a dismissal of the appeal under FRAP 42(b).

Respondent-Appellant David S. Egilman hereby gives notice that his appeal (Docket No. 07-1030) is not being reactivated, and therefore shall be dismissed forthwith, pursuant to the previous stipulation filed with this Court withdrawing his appeal from active consideration, and

the intervening stipulation between Respondent-Appellant Egilman and Eli Lilly & Company settling this matter, as approved by order of the District Court on September 7, 2007.

Counsel for Appellant James B. Gottstein



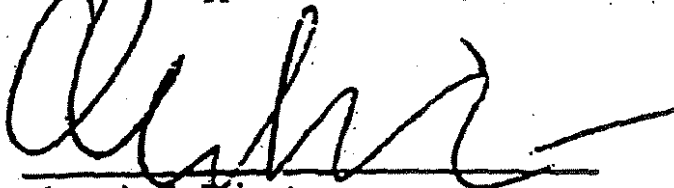
D. John McKay
LAW OFFICES OF D. JOHN MCKAY
117 E. Cook Ave.
Anchorage, Alaska 99501
(907) 274-3154

Counsel for Appellee Eli Lilly & Company



Nina M. Gussack, Esquire
Sean P. Fahey, Esquire
PEPPER HAMILTON LLP
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103
(215) 981-4000

Counsel for Appellant David S. Egilman



Alexander A. Reinert
KOOB & MAGOOLAGHAN
19 Fulton Street, Suite 408
New York, NY 10038
(212) 406-3095