

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

ORIGINAL

Docket Number(s): 07-1107-CV

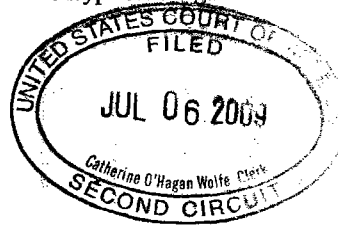
Caption [use short title]

Motion for: Extension of time to file Appellant's Brief and the Appendix

In re Zyprexa Litigation

Set forth below precise, complete statement of relief sought:

Appellant James Gottstein seeks an extension of time to file the brief and the appendix from July 2, 2009 to and including July 13, 2009.



MOVING PARTY: Appellant James Gottstein

OPPOSING PARTY: Appellee Eli Lilly & Co.

Plaintiff  Defendant  Appellant/Petitioner  Appellee/Respondent

MOVING ATTORNEY: Leslie R. Bennett, Esq. [name of attorney, with firm, address, phone number and e-mail] Berkman, Henoch Peterson & Peddy, P.C. 100 Garden City Plaza Garden City, NY 11530 516.780.0271 l.bennett@bhpp.com

OPPOSING ATTORNEY [Name]: Sean P. Fahey, Esq. [name of attorney, with firm, address, phone number and e-mail] Pepper Hamilton, LLP 3000 Two Logan Square Philadelphia, Pa 19103 215.981.4296 Faheys@pepperlaw.com

Court/Judge/Agency appealed from: United States District Court, EDNY, Honorable Jack B. Weinstein

Please check appropriate boxes:

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL

Has consent of opposing counsel:

Has request for relief been made below?  Yes  No

A. been sought?  Yes  No B. been obtained? Unable to reach opposing counsel prior to the holiday.  Yes  No

Has this relief been previously sought in this Court?  Yes  No

Has service been effected? [Attach proof of service]  Yes  No

Is oral argument requested?  Yes  No (requests for oral argument will not necessarily be granted)

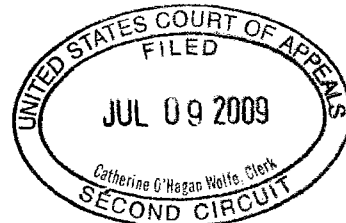
Requested return date and explanation of emergency:

Has argument date of appeal been set?  Yes  No If yes, enter date:

ORDER

Before: Ralph K. Winter, Circuit Judge

IT IS HEREBY ORDERED that the motion for an extension of time is GRANTED: The Appellant's brief and appendix shall be filed on or before July 13, 2009; the Appellee's brief shall be filed on or before August 12, 2009; the appeal shall be heard no earlier than the week of September 28, 2009.



FOR THE COURT: Catherine O'Hagan Wolfe, Clerk by Joy Fallick, Administrative Attorney

07.09.09 Date