

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

Docket Number(s): 07-1107-CV

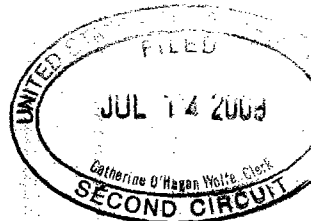
Caption [use short title]

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 13, 2009 to and including July 22, 2009.



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MOVING PARTY: Appellant James Gottstein
[] Plaintiff x Defendant
[] Appellant/Petitioner [] Appellee/Respondent

OPPOSING PARTY: Appellee Eli Lilly & Co.

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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? x Yes [] No
B. been obtained? x Yes [] No

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

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

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

Requested return date and explanation of emergency:

ORDER

Before: Hon. Ralph K. Winter, Circuit Judge

IT IS HEREBY ORDERED that the motion for an extension of time is GRANTED. However, no further extensions will be granted. Appellant's brief was due on May 9, 2007. Numerous extensions have been granted since then. A failure to abide by the briefing schedule may result in a dismissal of the appeal. Appellant's brief shall be filed on or before July 22, 2009; Appellee's brief shall be filed on or before August 21, 2009. The appeal shall be heard no earlier than the week of October 5, 2009.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk
by [Signature]
Judy Pisanont, Motions Staff Attorney

Date

