

**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

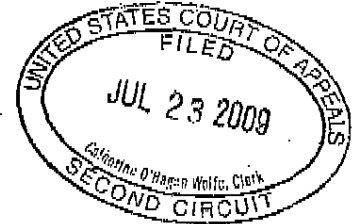
Caption [use short title]

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 22, 2009 to and including July 23, 2009.



**MOVING PARTY:** Appellant James Gottstein  
 Plaintiff  Defendant  
 Appellant/Petitioner  Appellee/Respondent

**OPPOSING PARTY:** Appellee Eli Lilly & Co.

**MOVING ATTORNEY:** Steven Brock, 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  
516.780.0325  
s.brock@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? No response at this time.  Yes  No

Has this relief been previously sought in this Court?

Yes  No

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

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: 7/23/09

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U.S. COURT OF APPEALS  
SECOND CIRCUIT

**ORDER**

Before: Ralph K. Winter, Circuit Judge

IT IS HEREBY ORDERED that the motion for leave to file Appellant's brief out of time is GRANTED and the brief and Joint Appendix are deemed filed. A schedule for the due date of Appellee's brief will be issued upon resolution of the pending motion for leave to submit a Respondent-Appellant's appendix.

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

Date

