

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

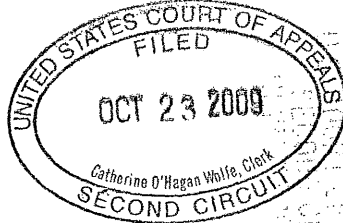
MOTION INFORMATION STATEMENT

Docket Number(s): 07-1107-cv Caption [use short title]
In re: Zyprexa Litigation

Motion for: Strike Portions of Respondent-Appellant's Brief

Set forth below precise, complete statement of relief sought:

Movant-Appellee Eli Lilly and Company moves this Court to disregard and strike those
portions of Respondent-Appellant James Gottstein's brief that rely on materials that are
not a part of the record on appeal.



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MOVING PARTY: Movant-Appellee Eli Lilly and Company
 Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY: Respondent-Appellant James Gottstein

MOVING ATTORNEY: Sean Fahey; Paul Avelar
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OPPOSING ATTORNEY [Name]: Steven Brock
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Court-Judge/Agency appealed from: United States District Court for the Eastern District of New York, Honorable Jack B. Weinstein

Please check appropriate boxes:

Has consent of opposing counsel:
 A. been sought? Yes No
 B. been obtained? Yes No

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

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

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? Yes No

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

Requested return date and explanation of emergency:

Signature of Moving Attorney: *Paul Avelar* **Date:** 10/23/09

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

ORDER

Before: Reena Raggi, Circuit Judge

IT IS HEREBY ORDERED that the motion by Eli Lilly & Co. to strike portions of the Appellant's brief is referred to the merits panel that will hear the appeal.

11.02.09
 Date

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

