

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 Reply Brief

In re Zyprexa Litigation

Set forth below precise, complete statement of relief sought:

Appellant James Gottstein seeks to obtain extension of time to file Reply Brief

MOVING PARTY: Appellant James Gottstein

OPPOSING PARTY: Appellee Eli Lilly & Co.

Plaintiff x Defendant
Appellant/Petitioner Appellee/Respondent

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 x No
B. been obtained? Yes x 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:

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

Signature of Moving Attorney: Date: December 3, 2009

ORDER

IT IS HEREBY ORDERED that the motion is GRANTED DENIED.
FOR THE COURT:

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----X

In re: Zyprexa Litigation

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**DECLARATION
IN SUPPORT
OF MOTION FOR
EXTENSION OF TIME
TO FILE REPLY BRIEF**

Dkt. No. 07-1107-CV

STATE OF NEW YORK)

:ss.:

COUNTY OF NASSAU)

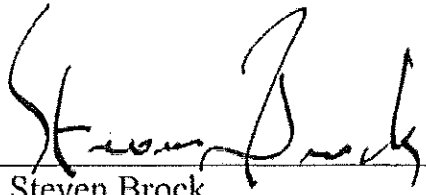
STEVEN BROCK declares and says:

1. I am an attorney duly admitted to practice law in this State and before this Court, and a partner in the firm of Berkman, Henoch, Peterson & Peddy, P.C. I represent the Respondent-Appellant, James Gottstein on this appeal. I make this motion for an extension of time to file Respondent-Appellant's Reply Brief from December 3 to and including December 10, 2009, or such other time as the Court may deem just and proper.

2. I have contacted opposing counsel, Sean P. Fahey, Esq., who has advised that he consents to the extension.

3. The Court has granted a previous extension for this reply brief from November 12 to December 3, 2009, to permit the client and co-counsel on appeal

and in the trial court, located in Alaska and in New York, to review and coordinate their revisions and comments on the draft of the reply brief on the merits. I respectfully request a final one week extension from December 3 to December 10, 2009, for further coordination of revisions and comments on the current draft and completion of the reply brief.


Steven Brock