

MOTION INFORMATION STATEMENT

Caption [use short title]

Docket Number(s): 07-1107-cv; 07-1030-cv

In re: Zyprexa Products
Litigation Litigation

Motion for: Extension of Deadlines

Set forth below precise, complete statement of relief sought:

90-day Extension of Civil Appeal Scheduling Order #2

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

OPPOSING PARTY: Eli Lilly and Co.

MOVING ATTORNEY: Jonathan N. Halpern
[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY [Name]: Sean P. Fahey
[name of attorney, with firm, address, phone number and e-mail]

Bracewell & Giuliani LLP
1177 Avenue of the Americas
New York, NY 10036
212-508-6153; Jonathan.Halpern@bglp.com

Pepper Hamilton LLP
300 Two Logan Square, 18th and Arch Streets
Philadelphia, PA 19103
215-981-4950; faheys@pepperlaw.com

Court-Judge/Agency appealed from: Eastern District of New York (Judge 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)

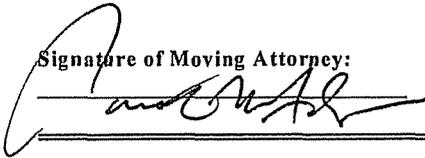
Has argument date of appeal been set? Yes No
If yes, enter date _____

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:


Date: 5/29/07

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

ORDER

IT IS HEREBY ORDERED THAT the motion is **GRANTED** ~~DENIED~~.

FOR THE COURT:
THOMAS ASREEN, Acting Clerk of Court

Date: _____

By: _____

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

IN RE ZYPREXA PRODUCTS LIABILITY
LITIGATION

**AFFIRMATION IN
SUPPORT OF MOTION**

Docket Nos. 07-1107-cv (L);
07-1030-cv (CON)

JONATHAN N. HALPERN, an attorney duly admitted to the practice of law in State of New York and in this Court, affirms under penalty of perjury as follows:

1. I am a partner of the firm Bracewell & Giuliani LLP, attorneys for Petitioner-Appellant James B. Gottstein ("Appellant" or "Gottstein") in this case, Docket No. 07-1107-cv (L); 07-1030-cv (CON). I am the counsel of record and lead counsel on appeal for Appellant. I submit this affirmation in support of Appellant's motion, pursuant to Local Rule 26(b), for a ninety-day extension of Civil Appeal Scheduling Order #2 entered in this case, as amended on April 18, 2007, and for such additional relief as the Court may deem proper.

2. Appellant's Notice of Appeal was filed on or about March 13, 2007.

3. On April 18, 2007, the parties, including appellant David S. Egilman, M.D., who is separately represented, and appellee Eli Lilly and Co. ("Eli Lilly" or "Appellee"), all by counsel, participated in a telephone conference with Staff Counsel Lisa J. Greenberg, Esq.

4. During that conference, the parties informed Ms. Greenberg that Dr. Egilman and Eli Lilly were engaged in active settlement negotiations and needed additional time to complete settlement discussions.

5. Following the conference, Civil Appeal Scheduling Order #2 was filed, according to which the record on appeal is to be filed on or before June 1, 2007, the brief(s) for appellants

Egilman and Gottstein and the joint appendix are to be filed on or before June 8, 2007, and Appellee's brief is to be filed on or before July 9, 2007.

6. On or about May 15, 2007, Dr. Egilman moved for an additional 30-day extension with the consent of Eli Lilly and Appellant.

7. It is my understanding that Dr. Egilman and Eli Lilly are nearing settlement but that additional time is needed to finalize their agreement.

8. If Dr. Egilman's motion for an extension is granted, the civil appeal scheduling order is expected to be modified as follows: the record on appeal is to be filed by on or about July 1, 2007; appellants' brief(s) and the joint appendix are to be filed by on or about July 8, 2007, and Appellee's brief is to be filed by on or about August 9, 2007.

9. Although Gottstein and Eli Lilly, by their counsel, have engaged in preliminary settlement discussions, Gottstein understands that substantive settlement discussions with Eli Lilly are not expected to take place until after Eli Lilly and Dr. Egilman have finalized their agreement. Given the amount of time expended by Eli Lilly and Dr. Egilman to reach a settlement, Gottstein submits that a 90-day extension is reasonably required under the circumstances here for Appellee and him to be able to dispose of the issues in this matter, short of filing appellate briefs. It appears that the proposed extension will provide Gottstein and Eli Lilly with approximately the same amount of time to reach a settlement that Dr. Egilman and Eli Lilly required.

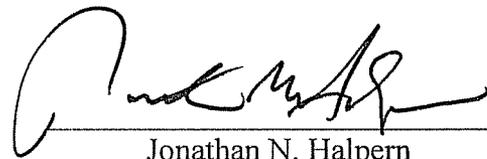
10. Eli Lilly, by its counsel, consents to this motion for an extension of 90 days of the Civil Appeal Scheduling Order #2. Dr. Egilman, by his counsel, also consents. Accordingly, under Appellant's proposed modified schedule, the record on appeal would be filed on or before

August 30, 2007; the joint appendix and Appellants' brief(s) would be filed on or before September 7, 2007; and Appellee's brief would be filed on or before October 8, 2007.

11. Accordingly, Appellant respectfully requests a ninety-day extension of Civil Appeal Scheduling Order #2.

WHEREFORE, it is respectfully requested that this Court grant Appellant's motion for a ninety-day extension of Scheduling Order #2 entered in this case on or about April 18, 2007, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
May 29, 2007

A handwritten signature in black ink, appearing to read "Jonathan N. Halpern", is written over a horizontal line.

Jonathan N. Halpern