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January 13, 2006

VIA FACSIMILE (215-981-4750) and E-Mail

Nina Gussack, Esq. Pepper Hamilton LLP 3000 Two Logan Square Eighteenth and Arch Streets Philadelphia, PA 19103-2799 Brooklyn, New York 11201

Re: In re: Zyprexa Products Liability Litigation

Case No. 04-MDL 1596

Dear Ms. Gussak.

We received yesterday evening a copy of your letter to the court indicating that you do not intend to call any witnesses on Tuesday.

The court has indicated it wishes to have this matter resolved as fully as possible. We believe further that Lilly, as the proponent of the injunctive relief at issue, will not establish a violation of the protective order or that Mr. Gottstein's distribution of the documents at issue was impermissible after Dr. Egilman provided them to him. To accommodate the court's inquiry, we are making arrangements to have Mr. Gottstein available to rebut, if necessary, Lilly's assertions that Dr. Egilman violated CMO-3 by providing the documents at issue to Mr. Gottstein and that Mr. Gottstein acted unlawfully in using the documents obtained from Dr. Egilman. It remains Mr. Gottstein's position that Dr. Egilman complied with the protective order when he provided the documents to Mr. Gottstein, but that in any event, if there were a violation, this is a matter between Dr. Egilman, the court, and your client. Mr. Gottstein subpoenaed the documents, directed Dr. Egilman to comply with any requirements of the protective order in responding to the subpoena, repeatedly advised Dr. Egilman to consult with his own attorney, and, when the documents came to him, was legally free to make use of them.

I anticipate that Mr. Gottstein would be asked about or rely upon documents including:

• the subpoenas issued by Mr. Gottstein to Dr. Egilman, which you have

- the related deposition notices and petition filed in the "B.B." guardianship case in the Alaska Superior Court
- Articles written by Mr. Gottstein, including "How the Legal System Can Help Create a Recovery Culture in Mental Health Systems, presented at Alternatives 2005: Leading the Transformation to Recovery," presented, Phoenix, Arizona, October 28, 2005, http://psychrights.org/Education/Alternatives05/RoleofLitigation.pdf and

"Report on Multi-Faceted Grass-Roots Efforts To Bring About Meaningful Change To Alaska's Mental Health Program," http://psychrights.org/Articles/AKEffortsRevSep06.pdf

- Documents referred to in Mr. Gottstein's December 17, 2006, letter to Special Master Woodin, including documents concerning Zyprexa obtained pursuant to FOIA by Robert Whittaker and posted on the PsychRights website, and Dr. Grace Jackson's analysis thereof, also found on this website.
- Documents faxed by Dr. Egilman to and received by Lilly's General Counsel on December 6, 2006
 - December 15, 2006, letter from Dr. Egilman to Lilly counsel Brewster Jamieson
- The December 14, 2006, letter from Lilly counsel Brewster Jamieson, received by Mr. Gottstein on December 15
- Documents reflecting Mr. Gottstein's compliance with the court's directives concerning dissemination of the Lilly documents.

Since you have said that you have documents or other materials you intend to use in the Tuesday proceedings, but have not yet identified them or indicated their substance, there may be other documents that will be appropriate for him to rely upon. I would appreciate it if you might forward copies to me of the documents you have referred to, or at least identify them and indicate their substance. I look forward to receiving the remaining information from you at your earliest convenience, and to seeing you on Tuesday.

Sincerely,

/s/djmckay/

D. John McKay Attorney for James B. Gottstein

cc: Evan Janush, Esq. (via e-mail)
Richard Meadow, Esq. (via e-mail)
Ted Chabasinski, Esq. (via e-mail)
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