

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 to Take Judicial Notice

Set forth below precise, complete statement of relief sought:

In re: Zyprexa Litigation

Respondent-Appellant Gottstein requests the Court to take judicial notice of those documents in the Respondent-Appellant's Appendix not in the record before the district court

MOVING PARTY: Respondent-Appellant James Gottstein

- Plaintiff Defendant
- Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY: Movant-Appellee Eli Lilly & Co.

MOVING ATTORNEY:

[name of attorney, with firm, address, phone number and e-mail]
Steven Brock
Berkman Henoch Peterson & Peddy, P.C.
100 Garden City Plaza, Garden City, NY 11530
516-780-0325
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OPPOSING ATTORNEY [Name]:

[name of attorney, with firm, address, phone number and e-mail]
Sean P. Fahey
Pepper Hamilton, L.L.P.
3000 Logan Square, Philadelphia, PA 19103
215-981-4296
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Court-Judge/Agency appealed from: U.S. District Court for the Eastern District of New York, 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? 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: _____
Signature of Moving Attorney: _____

Steven Brock

Date: September 28, 2009

ORDER

Pursuant to the order dated August 17, 2009, Appellant's motion to take judicial notice of documents in Appellant's appendix that are not in the record, is referred to the merits panel.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk
by _____

09.29.09
Date

Judy Pisanont, Motions Staff Attorney

