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December 10, 2009

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BY FEDERAL EXPRESS

United States Court of Appeals
for the Second Circuit
U.S. Courthouse
40 Centre Street
New York, NY 10007

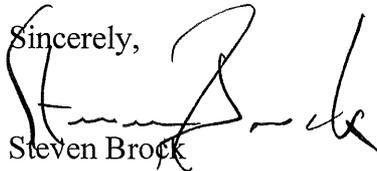
Re: *In re Zyprexa Litigation*
Docket No. 07-1107-CV

Dear Sir or Madam:

This firm represents the Respondent-Appellant, James Gottstein in the above-referenced appeal. Enclosed for filing is an original and four copies of a motion for an extension of time to file the reply brief.

Copies of all of the enclosures have been served on counsel for the Movant-Appellee, Eli Lilly & Co. by Federal Express and via email. The enclosures have also been transmitted electronically in PDF format to: civilcases@ca2.uscourts.gov.

We appreciate your attention to these enclosures.

Sincerely,

Steven Brock

SB:awl

cc: Sean P. Fahey, Esq.

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.
Berkman, Henoch Peterson & Peddy, P.C.
100 Garden City Plaza
Garden City, NY 11530
516.780.0325
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OPPOSING ATTORNEY [Name]: Sean P. Fahey, Esq.
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?
B. been obtained?

Yes x No
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 10, 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

-----X

**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)

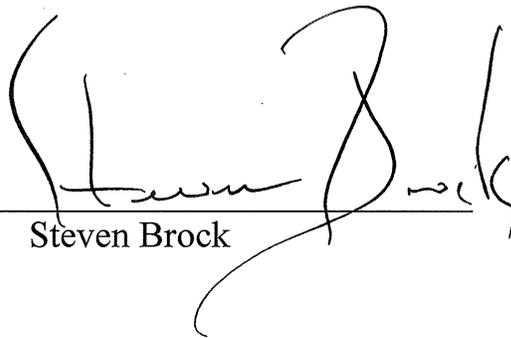
STEVEN BROCK declares and says:

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 Thursday, December 10 to and including Tuesday, December 15, 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 previous extensions for this reply brief from November 12 to December 3, and December 3 to December 10, 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. The client, who is an attorney, requires a short extension to complete revisions. Accordingly, I respectfully request a five-day extension from December 10 to December 15, 2009.

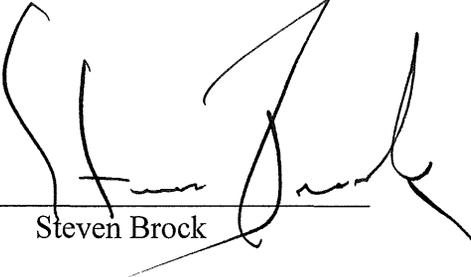


Steven Brock

VIRUS PROTECTION CERTIFICATE

Steven Brock certifies that the PDF version of the attached document that has been submitted via email to the Court of Appeals at civilcases@ca2.uscourts.gov has been scanned for viruses and no virus has been detected.

Dated: December 10, 2009



Steven Brock

CERTIFICATE OF SERVICE

I hereby certify that:

(1) a true and correct copy of Respondent-Appellant's motion for an extension of time to file reply brief, together with supporting declaration were served this 10th day of December, 2009 upon Sean P. Fahey, Esq., Pepper Hamilton, LLP, 3000 Two Logan Square, Philadelphia, PA 19103, via Federal Express, and

(2) an additional copy of the foregoing documents were emailed to Mr. Fahey on this 10th day of December, 2009, at the following email address provided by him:

Faheys@pepperlaw.com.

Dated: December 10, 2009



Steven Brock