

X-Mailer: QUALCOMM Windows Eudora Version 7.0.1.0
Date: Sat, 16 Dec 2006 19:06:21 -0900
To: "Peter Woodin"
<pwoodin@jamsadr.com>, <jim.gottstein@psychrights.org>
From: Jim Gottstein <jim.gottstein@psychrights.org>
Subject: Re: Zyprexa MDL: Discovery Order 12-15-2006
Cc: "Fahey, Sean P."
<Faheys@pepperlaw.com>, <RDM@lanierlawfirm.com>,
"Rogoff, Andy" <ROGOFFA@pepperlaw.com>,
"David Egilman"
<degilman@egilman.com>, JamiesonB@LanePowell.com

Dear Special Discovery Master Woodin,

I understood from your voice mail that it would be acceptable for me to return your call any time during the weekend, which I intended to do. However, since you issued the order without giving me a chance to respond, dealing with that seems the matter at hand. I may seek my own counsel, but I hope to have a letter back to you before the end of the weekend. First, to allay any concerns, I voluntarily ceased further dissemination of any of the materials when I received Mr. Jamieson's fax on December 15th and won't further disseminate them without at least reasonable notice. I will say the whole thing seems silly since they are already in the public domain.

I am working on a response to your order. It seems highly irregular in many respects. I won't go into all of them now, but that you would issue such an order "based on the facts described by [Eli Lilly and the PSC]" without giving me a meaningful opportunity to respond is one of them. Please provide me with exactly what facts were alleged in these *ex parte* proceedings.

You also recite the order was "in the exercise of my authority as Special Discovery Master." It is very difficult for me to see how the order could be within such authority so please provide me with a copy of the order of reference or whatever document(s) there are granting you your authority.

Probably the key flaw in your Order, other than I am at a loss to understand how you believe the court has obtained jurisdiction over me, is that my possession of the documents is "in violation of CMO-3." I believe they came into my possession completely legally. If I tried to put all of the analysis in this e-mail, I would defeat my purpose in quickly letting you know that I will be responding and that the status quo is being maintained. I hope to be able to get it to you tomorrow. However, there is also an expedited motion regarding discovery in the Alaska case that needs a response by noon on Monday, so that might present a problem.

At 08:52 PM 12/15/2006, Peter Woodin wrote:

Dear Mr. Gottstein:

I have had no response from you to my voicemail message earlier today. I attach an order issued by me, in my capacity as Special Discovery Master in the Zyprexa multi-district litigation pending in the U.S. District Court for the Eastern District of New York, directing you to return to me all copies of the documents produced by Eli Lilly and Company in this litigation which you received from Dr. David Egilman or anyone else.

Thank you,
Peter H. Woodin
Special Discovery Master

Peter H. Woodin
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New York, NY 10017
Tel: 212-607-2736

Note New E-mail Address

James B. (Jim) Gottstein, Esq.

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