

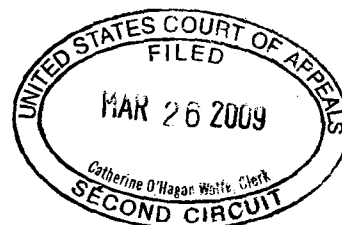
United States Court of Appeals

FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 26 day of March, two thousand nine,

In re: Zyprexa Litigation

07-1107-cv



Civil Appeal Schedule
Order # 5

A pre-argument conference having been held herein, and the parties having requested an extension of the briefing schedule, IT IS HEREBY ORDERED that the scheduling order be and it hereby is modified only to the following extent:

IT IS HEREBY ORDERED that appellant's brief and the joint appendix shall be filed on or before **April 27, 2009**;

IT IS FURTHER ORDERED that the brief of the appellee shall be filed on or before **May 28, 2009**;

IT IS FURTHER ORDERED that the ten (10) copies of each brief shall be filed with the Clerk.

IT IS FURTHER ORDERED that the argument of the appeal may be heard no earlier than the week of **August 31, 2009**.

All counsel should immediately advise the Clerk by letter of the dates thereafter that they are unavailable for oral argument. The time and place of oral argument shall be separately noticed by the Clerk to counsel.

IT IS FURTHER ORDERED that in the event of default by the appellant in filing the record on appeal or the appellant's brief and joint appendix, at the times directed, or upon default of the appellant regarding any other provision of this order, the appeal may be dismissed forthwith without further notice.

IT IS FURTHER ORDERED that if the appellee fails to file a brief within the time directed by this order, such appellee shall be subject to such sanctions as the court may deem appropriate.

Date:

Catherine O'Hagan Wolfe, Clerk,
by


Lisa J. Greenberg, Staff Counsel