UNITED STATES COURT OF APPEALSFOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

| Berkman, Henoch Peterson & Peddy, P.C. Pepper Hamilton, LLP 100 Garden City Plaza 3000 Two Logan Square | MOTION INFORMATION STATEMENT | |
|--|---|---|
| Appellant James Gottstein seeks an extension of time to file the brief and the appendix from July 2, 2009 to and including July 13, 2009. MOVING PARTY: Appellant James Gottstein X Defendant X | Docket Number(s): 07-1107-CV | Caption [use short title] |
| Appellant James Gottstein seeks an extension of time to file the brief and the appendix from July 2, 2009 to and including July 13, 2009. MOVING PARTY: Appellant James Gottstein Appellantiff x Defendant x Defendant Appellanti/Petitioner Appellee/Respondent MOVING ATTORNEY: Leslie R. Bennett, Esq. [name of attorney, with firm, address, phone number and e-mail] Berkman, Henoch Peterson & Peddy, P.C. Pepper Hamilton, LLP 100 Garden City Plaza 3000 Two Logan Square 151.780.0271 215.981.4296 151.878.0271 215.981.4296 151.878.0271 215.981.4296 152.881.4296 Faheys@pepperlaw.com 152.881.4296 Yes No 153.881.4296 Yes No 153.881.4296 Yes No 154.881.4296 Yes No 155.881.4296 Yes No 156.880.981 Yes No 1 | Motion for: Extension of time to file Appellant's Brief and | the Appendix In re Zyprexa Litigation |
| Appellant James Gottstein seeks an extension of time to file the brief and the appendix from July 2, 2009 to and including July 13, 2009. MOVING PARTY: Appellant James Gottstein Appellantiff x Defendant x Defendant Appellanti/Petitioner Appellee/Respondent MOVING ATTORNEY: Leslie R. Bennett, Esq. [name of attorney, with firm, address, phone number and e-mail] Berkman, Henoch Peterson & Peddy, P.C. Pepper Hamilton, LLP 100 Garden City Plaza 3000 Two Logan Square 151.780.0271 215.981.4296 151.878.0271 215.981.4296 151.878.0271 215.981.4296 152.881.4296 Faheys@pepperlaw.com 152.881.4296 Yes No 153.881.4296 Yes No 153.881.4296 Yes No 154.881.4296 Yes No 155.881.4296 Yes No 156.880.981 Yes No 1 | Set forth below precise, complete statement of relief sough | t: FILED |
| MOVING PARTY: Appellant James Gottstein □ Plaintiff | brief and the appendix from July 2, 2009 to and including July 13, 2009. | e the SUL 0 6 2003 |
| □ Plaintiff x Defendant □ Appellant/Petitioner □ Appellee/Respondent MOVING ATTORNEY: Leslie R. Bennett, Esq. [name of attorney, with firm, address, phone number and e-mail] Berkman, Henoch Peterson & Peddy, P.C. [name of attorney, with firm, address, phone number and e-mail] Berkman, Henoch Peterson & Peddy, P.C. [name of attorney, with firm, address, phone number and e-mail] Berkman, Henoch Peterson & Peddy, P.C. [name of attorney, with firm, address, phone number and e-mail] Berkman, Henoch Peterson & Peddy, P.C. [name of attorney, with firm, address, phone number and e-mail] Berkman, Henoch Peterson & Peddy, P.C. [name of attorney, with firm, address, phone number and e-mail] Berkman, Henoch Peterson & Peddy, P.C. [name of attorney, with firm, address, phone number and e-mail] Berkman, Henoch Peterson & Peddy, P.C. [name of attorney, with firm, address, phone number and e-mail] Berkman, Henoch Peterson & Peddy, P.C. [name of attorney, with firm, address, phone number and e-mail] Berkman, Henoch Peterson & Peddy, P.C. [name of attorney, with firm, address, phone number and e-mail] Iname of attorney, with firm, address, phone number and e-mail] Iname of attorney, with firm, address, phone number and e-mail] Iname of attorney, with firm, address, phone number and e-mail] Iname of attorney, with firm, address, phone number and e-mail] Iname of attorney, with firm, address, phone number and e-mail] Iname of attorney, with firm, address, phone number and e-mail] Iname of attorney, with firm, address, phone number and e-mail] Iname of attorney, with firm, address, phone number and e-mail] Iname of attorney, with firm, address, phone number and e-mail] Iname of attorney, with firm, address, phone number and e-mail] Iname of attorney, with firm, address, phone number and e-mail] Iname of attorney, with firm, address, phone number and e-mail] Iname of attorney, with firm, address, phone number and e-mail] Iname of attorney, with firm, address, phone number and e-mail] Iname of attorney, with firm, address, phone nu | | COND CIRCUIT |
| [name of attorney, with firm, address, phone number and e-mail] Berkman, Henoch Peterson & Peddy, P.C. Pepper Hamilton, LLP 100 Garden City Plaza 3000 Two Logan Square Philadelphia, Pa 19103 215.981.4296 Lbennett@bhpp.com 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 B. been obtained? Unable to reach Yes No Has this relief been previously sought opposing counsel prior to the holiday. Yes No Has service been effected? X Yes No | □ Plaintiff x Defendant | OPPOSING PARTY: Appellee Eli Lilly & Co. |
| 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? X Yes □ No Has this relief been previously sought in this Court? □ Yes □ No Has service been effected? X Yes □ No | [name of attorney, with firm, address, phone number and e-Berkman, Henoch Peterson & Peddy, P.C | mail] [name of attorney, with firm, address, phone number and e-mail] Pepper Hamilton, LLP 3000 Two Logan Square Philadelphia, Pa 19103 |
| 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 request for relief been made below? A. been sought? X Yes No B. been obtained? Unable to reach opposing counsel prior to the holiday. X Yes No Has this relief been previously sought in this Court? Yes No Has service been effected? X Yes No | 516./80.02/1 bennett@bhop.com | Faheys@pepperlaw.com |
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| A. been sought? | Please check appropriate boxes: | |
| B. been obtained? Unable to reach Yes □ No Has this relief been previously sought in this Court? □ Yes □ No Has service been effected? x Yes □ No | Has consent of opposing counsel: | Has request for relief been made below? □ Yes □ No |
| Has service been effected? x Yes □ No | B. been obtained? Unable to reach Yes □ No | |
| | Has service been effected? x Yes □ No | |
| Is oral argument requested? Yes x No (requests for oral argument will not necessarily be granted) Requested return date and explanation of emergency: | 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: | Has argument date of appeal been set? ☐ Yes x No If yes, enter date: | |
| ORDER efore: Ralph K. Winter, Circuit Judge | fore: Ralph K. Winter. Circuit Judge | <u>ORDER</u> |

В

IT IS HEREBY ORDERED that the motion for an extension of time is GRANTED: The Appellant's brief and appendix shall be filed on or before July 13, 2009; the Appellee's brief shall be filed on or before August 12, 2009; the appeal shall be heard no earlier than the week of September 28, 2009.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

Joy Fallle Joy Fallek, Administrative Attorney



67.09.09