

**PETITIONER'S EXHIBIT 12**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**



**IN RE ZYPREXA PRODUCTS  
LIABILITY LITIGATION**

**AFFIRMATION OF  
RICHARD D. MEADOW**

**(04-MD-1596) (JBW)**

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NEW YORK    )

RICHARD D. MEADOW, ESQ., an attorney duly admitted to the Courts of the State of New York and to the Eastern District of New York hereby affirms the following to be true under the penalties of perjury.

1. I am the Managing Attorney of The Lanier Law Firm, PLLC ("LLF"), which has been retained by Plaintiffs to prosecute claims against Defendant Eli Lilly & Company (hereinafter "Lilly" or "Defendant").

2. In August of 2006, I was recommended to be appointed to the Zyprexa II Plaintiffs' Steering Committee ("PSC II").

3. As of August 10, 2006, LLF had informally sought the expert consulting help of David Egilman, M.D., MPH ("Dr. Egilman"). Dr. Egilman sought access to the PSC database and on August 10, 2006, asked us to forward his signed confidentiality order to Blair Hahn at Richardson, Patrick, Westbrook and Brickman, LLP ("RPWB"), the law firm maintaining the PSC Zyprexa database). The e-mail request by Dr. Egilman is attached as Exhibit A. At this point, I believed that Dr. Egilman had executed a Protective Order.

4. Because we were in settlement discussions, LLF did not have Dr. Egilman do serious Zyprexa work at this time, though by late September we did send him documents on CDs.

5. By October 23, 2006, it became apparent that discovery was necessary because settlement discussions were ongoing but not adequately progressing. On such date, I then instructed Dr. Egilman to directly begin helping us. Dr. Egilman then sought access to the database. We were unable to locate Dr. Egilman's Protective Order referenced in his August 10, 2006 e-mail so I had him execute another one.

6. On November 10, 2006, Dr. Egilman sent over an executed Protective Order in which numerous and substantive deletions and edits were made. See Exhibit B, attached hereto. I contacted Dr. Egilman and conveyed the seriousness of the Protective Order, the reason it is required and the fact that he would need to re-execute another Protective Order without the edits he previously submitted.

7. On November 14, 2004, Dr. Egilman executed another Protective Order. See Exhibit C, attached hereto. On this Order, Dr. Egilman made one edit to the second paragraph of the form Protective Order in which he represented that he would abide by the Protective Order "unless this conflicts with any other sworn statements." I inquired of Dr. Egilman as to why he made this edit. Dr. Egilman explained that if he were to be subpoenaed by the FDA or Congress, he wanted to ensure that the Protective Order would not preclude providing testimony concerning Zyprexa. Since that explanation did not conflict with my understanding of the purposes behind the Protective Order, nor did it conflict with my understanding that the Protective Order would not – in any event – have precluded such testimony by Dr. Egilman, and because Dr. Egilman assured me that he understood the Protective Order, I accepted this Protective Order.

8. Thereafter, I communicated to the RPWB law firm that Dr. Egilman had executed a Protective Order, and, at some point in time thereafter, Dr. Egilman was granted access to the PSC-maintained database of Zyprexa-related discovery materials.

9. On December 13, 2006, I first learned that Dr. Egilman had been served with a document subpoena calling for the production of Zyprexa-related documents on December 20, 2006. I spoke with Dr. Egilman and told him to "not do anything" (i.e. do not surrender documents). Dr. Egilman responded, "Yes. Ricky." It was not until later in the business day on December 15, 2006, that I first learned from reading Dr. Egilman's own narrative timeline that an amended subpoena had been issued by James Gottstein, Esq., calling for the production of Zyprexa-related documents prior to December 20, 2006. It was also on December 15, 2006 that I first learned that Dr. Egilman had produced the Zyprexa-related documents to the requesting party beginning on December 12, 2006.

10. The entirety of the facts surrounding the subpoena that was served upon Dr. Egilman, LLF's knowledge of the subpoena, and LLF's contemporaneous actions taken after learning about the subpoena are addressed in my December 15, 2006 letter to Lilly's counsel, Andrew Rogoff, Esq. That letter is annexed hereto as Exhibit D and all of the facts recited therein are hereby incorporated into this sworn statement.

11. Finally, after learning of Dr. Egilman's disclosure to Mr. Gottstein of documents on December 15, 2006, LLF demanded the return of all documents in his possession. We thereafter terminated his involvement as a consultant in this matter.

Dated: New York, New York

January 2, 2007



RICHARD D. MEADOW

# EXHIBIT A

Richard D. Meadow

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From: David Egilman [degilman@egilman.com]

Date: Thursday, August 10, 2006 4:05 PM

Richard D. Meadow

Subject: Send my zyprexa confidentiality order to bhahn@rpwb.com thanks

Egilman MD, MPH

Associate Professor Of Community Medicine  
University

100 Main Street

Northampton, Massachusetts 01063

degilman@egilman.com

Phone: 508-226-5091

425-699-7033

508-472-2809

# EXHIBIT B

# EXHIBIT C



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

In re: ZYPREXA  
PRODUCTS LIABILITY LITIGATION

MDL No. 1596

THIS DOCUMENT RELATES TO:

ALL ACTIONS

ENDORSEMENT OF PROTECTIVE ORDER

I hereby attest to my understanding that information or documents designated Confidential are provided to me subject to the Protective Order ("Order") dated 8/3, 2004 (the "Protective Order"), in the above-captioned litigation ("Litigation"); that I have been given a copy of and have read the Order, and that I agree to be bound by its terms. I also understand that my execution of this Endorsement of Protective Order, indicating my agreement to be bound by the Order, is a prerequisite to my review of any information or documents designated as Confidential pursuant to the Order.

I further agree that I shall not disclose to others, except in accord with the Order, any Confidential Discovery Materials, in any form whatsoever, and that such Confidential Discovery Materials and the information contained therein may be used only for the purposes authorized by the Order, *unless this conflicts with any other sworn statements.*

I further agree to return all copies of any Confidential Discovery Materials I have received to counsel who provided them to me upon completion of the purpose for which they were provided and no later than the conclusion of this Litigation.

I further agree and attest to my understanding that my obligation to honor the confidentiality of such discovery material will continue even after this Litigation concludes.

I further agree and attest to my understanding that, if I fail to abide by the terms of the Order, I may be subject to sanctions, including contempt of court, for such failure. I agree to be subject to the jurisdiction of the United States District Court, Eastern District of New York, for the purposes of any proceedings relating to enforcement of the Order.

I further agree to be bound by and to comply with the terms of the Order as soon as I sign this Agreement, regardless of whether the Order has been entered by the Court.

Date: 11/14/06

By: *[Signature]*

# EXHIBIT D



THE  
LANIER  
LAW FIRM

December 15, 2006

**VIA E-MAIL  
AND REGULAR MAIL**  
Andrew Rogoff, Esq.  
Pepper Hamilton LLP  
3000 Two Logan Square  
Philadelphia, PA 19103-2799

Re: In re Zyprexa MDL (Subpoena to Dr. Egilman)

Dear Andy:

This letter confirms my receipt of your letter this afternoon and, in addition to substantively addressing your letter, also serves to set forth the history concerning my knowledge and involvement with the underlying issues that you have addressed concerning the subpoena that was served by James Gottstein, Esq., upon Dr. David Egilman.

Please be advised that until December 13, 2006, no individual at The Lanier Law Firm, including me, had any knowledge that a subpoena had been served upon Dr. Egilman. Such knowledge was first acquired when PSC Member, James Shaughnessy, Esq., directed an e-mail to the PSC in which he notified the PSC that Dr. Egilman was served with a subpoena.

On December 13, 2006, you contacted my office to determine if Dr. Egilman was retained by The Lanier Law Firm. I acknowledged that he was and I advised you to immediately file a motion to quash the subpoena in both Alaska and Massachusetts. Thereafter, I communicated with Dr. Egilman that nothing should be done in accordance with the subpoena until this issue was addressed by Lilly before the Court.

After receiving your letter this afternoon, I again communicated with Dr. Egilman. During my conversation with Dr. Egilman I addressed your letter and asked him if and when he complied with the subpoena. Dr. Egilman informed me that he had already complied with the subpoena by transmitting documents to James B. Gottstein, Esq., prior to my conversation with him on December 13, 2006.

HOUSTON  
The Lanier Law Firm, PC  
6810 FM 1960 West 77069  
Post Office Box 691448  
Houston, Texas 77269-1448  
713.659.5200 • Fax: 713.659.2204  
2124212878 P.002

LONGVIEW  
The Lanier Law Firm, PC  
131 East Tyler Street  
Longview, Texas 75601  
903.234.2300 • Fax: 903.234.2346

NEW YORK  
The Lanier Law Firm, PLLC  
Tower 56  
126 East 56th Street, 6th Floor  
New York, New York 10022  
212.421.2800 • Fax: 212.421.2878

LANIER LAW FIRM

DEC-15-2006 15:37

The following responses address *in seriatim* your numbered requests:

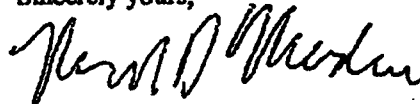
1. Attached hereto as Exhibit A to this letter is list of all bates numbered pages that have been transmitted by Dr. Egilman to Mr. Gottstein.
2. I have requested that Dr. Egilman provide my office with all confidential materials that have been provided to him by any individual involved in Zyprexa litigation.
3. I have instructed Dr. Egilman to not comment publicly on any such confidential materials.
4. The only person to whom Dr. Egilman has provided confidential materials, if such materials are deemed confidential, is:

James B. Gottstein, Esq.  
Law Office of James B. Gottstein  
406 G Street, Suite 206  
Anchorage, Alaska 99501-2164

Please further note that by providing a copy of this letter to Mr. Gottstein concerning Lilly's position that such materials were provided in violation of a court order, I am demanding the return of such materials to the PSC and I am further conveying Lilly's demand that no disclosure of such materials be made until such time as Lilly has had the opportunity to file its motion and be heard on this matter by Judge Weinstein of the Eastern District of New York.

Last, I am confirming that neither I, nor anyone else employed by my firm who is bound by the confidentiality requirements of this litigation, will comment publicly on any of the confidential materials. Obviously, I cannot make such representations for individuals who are beyond my control.

Sincerely yours,



Richard D. Meadow

cc: Andrew Rogoff, Esq. (via e-mail)--  
W. Mark Lanier, Esq. (via e-mail)  
James B. Gottstein, Esq. (via facsimile)

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**IN RE ZYPREXA PRODUCTS  
LIABILITY LITIGATION**

**(04-MD-1596) (JBW)**

**AFFIRMATION OF RICHARD D. MEADOW**

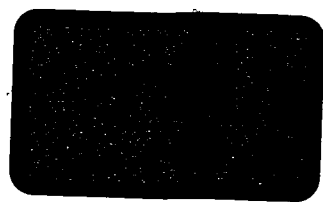
**THE LANIER LAW FIRM, PLLC**  
*Attorneys for Plaintiffs*  
Tower 56  
126 E. 56<sup>th</sup> Street  
New York, NY 10022  
212-421-2800

**To:**  
Attorney(s) for Defendant Eli Lilly & Co.

Service of a copy of the within  
is hereby admitted.

Dated, January 3, 2007

# [Zyprexa-discuss] update 3 look okay?



Rafael [rafi at phantomcynthetics.com](mailto:rafi@phantomcynthetics.com)

Mon Dec 25 12:53:30 EST 2006

- Previous message: [\[Zyprexa-discuss\] update 3 look okay?](#)
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zyprexakills.pbwiki.com is dead. We can't access it anymore since we don't have the password. The person who anonymously created the original wiki left us with no way to edit it.

we are now using zyprexa.pbwiki.com. zyprexakills.us points to zyprexa.pbwiki.com, but we haven't yet decided whether to publicize our newly purchased domain.

I know this is a little confusing, but we are working this out pretty quickly.

I would publicize zyprexa.pbwiki.com as I think that is the safest bet for now.

/rafi

David Oaks wrote:

> I've already changed to update 3....  
>  
> All I need... someone take a look and say, "go for it, publicize it."  
>  
> ~~~~~  
>  
> I added:  
>  
> <http://zyprexakills.us/>  
>  
> I left on the following link... but I'm a bit lost, because the above  
> seems extremely helpful and recent, the below seems a bit dated, but  
> I left both on  
>  
> <http://zyprexakills.pbwiki.com>  
>  
>  
> ~~~~~  
>  
>  
> Hi Zyprexa Discuss list:  
>  
> Way to go!  
>  
> Later today I hope to get out an alert about the below piece I've  
> added to our web site....  
>  
> If anyone can possibly look at it to double-check accuracy, to the

> extent you can, I'd appreciate it...  
>  
> I'm not looking for perfection, just want to get that info out to our  
> news announcement list with basic accuracy...  
>  
> If you do have an important change, please let me know exactly what  
> to change...  
>  
> For instance, should I advertise this e-mail list on the alert?  
>  
> Okay, here's what I put up -- Update 2  
>  
> <http://www.mindfreedom.org/know/psych-drug-corp/eli-lilly-secrets/>  
>  
> Note I've added another URL on there, by a member of MindFreedom  
> Eric, who has put the documents on his weblog.  
>  
>  
>  
>  
>  
>  
> \_\_\_\_\_  
> [Zyprexa-discuss mailing list](#)  
> [Zyprexa-discuss at acm.jhu.edu](#)  
> <http://lists.acm.jhu.edu/mailman/listinfo/zyprexa-discuss>

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[More information about the Zyprexa-discuss mailing list](#)