



Dated: November 7, 2005

Thomas M. Sobol (EE)

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**CERTIFICATE OF SERVICE**

I, Thomas M. Sobol, hereby certify that on this 7<sup>th</sup> day of November 2005, I served via facsimile and First Class Mail, postage prepaid, the foregoing document to the following:

Nina M. Gussack, Esquire  
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Eighteenth and Arch Streets  
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Samual J. Abate, Jr.  
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*Thomas M. Sobol* (TSB)

Thomas M. Sobol

# **EXHIBIT A**



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November 7, 2005

**Via Facsimile and First Class Mail**

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Samual J. Abate, Jr.  
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RE: UFCW LOCAL 1776 AND PARTICIPATING EMPLOYERS HEALTH AND WELFARE FUND,  
ET AL., v. ELI LILLY AND COMPANY; 05-CV-4115 AND ERIC TAYAG AND MID WEST  
NATIONAL LIFE INSURANCE COMPANY, ET AL., v. ELI LILLY AND COMPANY; 05-CV-  
01596

Dear Counsel:

I am writing to provide notice under paragraph 9(b) of the October 3, 2004 Protective Order entered in this case that plaintiffs challenge defendant's confidentiality designations on all of defendant's produced documents that are cited in Plaintiffs' First Amended Complaint, which was filed with the Court on this date.

We believe that defendant's documents cited in the First Amended Complaint do not contain "trade secret[s] or other confidential research, development, or commercial information" or other material or information properly protected under Federal Rule of Civil Procedure 26(c)(7). Thus, we maintain that these documents have been improperly designated as "confidential" under the terms of the Protective Order. The specific bates numbers of the documents in question are identified in the First Amended Complaint.

It is my hope that we can agree on lifting the confidentiality designations on these documents and thereby avoid unnecessary motion practice before the Court on this issue.

Please let me know your response to this letter within the timeframe outlined in paragraph 9 of the Protective Order. I look forward to hearing from you.

Very truly yours,

*Thomas M. Sobol* (LLP)

Thomas M. Sobol  
Hagens Berman Sobol Shapiro LLP

cc: All Counsel of Record (via First Class mail)