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U.S. DISTRICT COURT E.D.N.Y.

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VIA FAX: (718) 613-2527
The Honorable Jack B. Weinstein
United States District Judge
United States Courthouse
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

The recommendation of the Special Master is adopted by the parties. S. ordered
Jack B. Weinstein
2/7/07
February 7, 2007

Re: In re Zyprexa Product Liability Litigation (MDL 1596)
UFCW Local 1776 Employers Health and Welfare Fund, et al. v. Eli Lilly and Co. (05-CV-4115, 05-CV-2948) (EDNY)

Dear Judge Weinstein:

I write in my capacity as court-appointed Special Discovery Master in the Zyprexa multidistrict litigation to advise the Court about a challenge to the confidentiality of documents produced by Eli Lilly and Company ("Lilly") under the protections of Case Management Order No. 3 ("CMO 3").

Plaintiffs in the Third Party Payors case have challenged whether various documents produced by Lilly and referenced in the complaint filed in their action deserve the protections of CMO 3. This challenge is pending before me. It is my understanding that various non-parties have similarly challenged the confidentiality under CMO 3 of documents produced by Lilly and subsequently disseminated by James Gottstein, Esq., and that consideration of the non-parties' challenge has been deferred while Lilly's application for an injunction against the further dissemination of the documents remains pending.

It appears likely that various of the documents challenged by the Third Party Payors are among the documents disseminated by Mr. Gottstein, and thus are also the subject of the challenge mounted by the non-parties. Given this overlap, and for the efficient coordination of the Court's consideration of this issue, it would be my recommendation that the Third Party Payors' challenge be similarly deferred, and that both matters be considered together.

Respectfully,

Peter H. Woodin
Special Discovery Master

cc: Thomas M. Sobol, Esq., and Lauren Barnes, Esq. (counsel for Third Party Payors) (via email)
Barry H. Boise, Esq. and Sean P. Fahey, Esq. (counsel for Eli Lilly) (via email)