

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

In re: ZYPREXA PRODUCTS LIABILITY LITIGATION	:	MDL 1596
UFCW LOCAL 1776 AND PARTICIPATING EMPLOYERS HEALTH AND WELFARE FUND, <i>et al.</i> on behalf of themselves and others similarly situated	:	04-MD-1596
Plaintiffs,	:	
v.	:	05-CV-4115
ELI LILLY AND COMPANY	:	05-CV-2948
Defendant.	:	

LOCAL 28 SHEETMETAL WORKERS, on behalf of themselves and others similarly situated	:	06-CV-0021
Plaintiff,	:	
v.	:	
ELI LILLY AND COMPANY,	:	
Defendant.	:	

SERGEANTS BENEVOLENT ASSOCIATION HEALTH AND WELFARE FUND, on behalf of itself and all others similarly situated,	:	06-CV-6322
Plaintiff,	:	
v.	:	
ELI LILLY AND COMPANY	:	
Defendant.	:	

**CASE MANAGEMENT ORDER REGARDING COMPLAINT AMENDMENT,
NOTICE, AND MOTION SCHEDULE**

On September 10, 2010, the Court of Appeals for the Second Circuit ruled on plaintiffs' motion for class certification and defendant's motion for summary judgment in the Zyprexa Third Party Payor ("TPP") litigation. *UFCW Local 1776 v. Eli Lilly & Co.*, 620 F.3d 121 (2010). On June 27, 2011, the Supreme Court denied plaintiffs' petition for *certiorari*.

Sergeants Benev. Ass'n Health & Welfare Fund v. Eli Lilly & Co., No. 10-1173, 2011 WL1100250 (Mem.) (S. Ct. June 27, 2011).

The parties and this court have conferred. The following schedule is ordered:

By August 23, 2011, plaintiffs shall submit a motion to amend the TPP operative master complaint, attaching a proposed draft complaint. By the same date, plaintiffs shall make the draft available to defendant. Simultaneously they shall attempt to provide reasonable notice to the TPP community of the amended complaint. The community means all those in the putative classes, as previously defined. Plaintiffs shall (i) make the amended complaint available electronically via a website and (ii) send the complaint to various TPP counsel of whom they are aware. Counsel for plaintiffs aver that a small group of firms commonly represent or have communications with TPPs that cover nearly 75% of privately insured lives in the United States and they shall provide notice to those firms by August 23, 2011. Notice required by this paragraph shall be deemed reasonable.

No later than the close of business on September 22, 2011, any TPP wishing to intervene shall either (i) file a notice of intervention, or (ii) provide Lead Class Counsel, so as to be received by the September 22, 2011 cut-off, a statement of their intent to intervene in the litigation, along with such other information as may be necessary for Lead Class Counsel to include the TPP in the amended complaint. Lead Class Counsel shall file the proposed amended complaint, listing all those TPPs who have expressed an intention to intervene, by September 23, 2011.

Defendant shall file a motion opposing the filing of the amended complaint, opposing interventions, for summary judgment, seeking discovery, and any other relevant motion by October 7, 2011. Plaintiffs shall file their opposition by October 28, 2011. A reply and sur-reply

shall be filed by November 4, 2011 and November 11, 2011, respectively.

This Court shall hear oral argument on the motion on November 18, 2011 at 10 a.m.

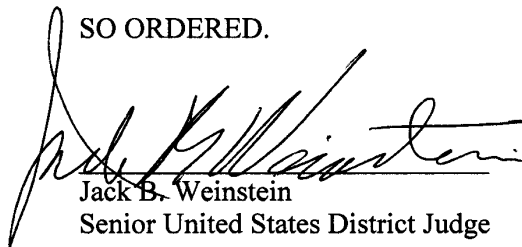
The chart below summarizes the schedule.

Action	Due On or Before
Plaintiffs amend complaint, provide a copy to Eli Lilly, and provide notice to TPPs	August 23, 2011
Deadline for TPPs to sign on to the amended complaint	September 22, 2011
Plaintiffs file amended complaint	September 23, 2011
Lilly moves for summary judgment	October 7, 2011
Plaintiffs oppose summary judgment	October 28, 2011
Lilly files a reply in support of summary judgment	November 4, 2011
Plaintiffs file a sur-reply in opposition to summary judgment	November 11, 2011
Oral argument	November 18, 2011 at 10 a.m.

Plaintiff shall arrange for participation by interested parties or persons in the November 18 hearing by telephone, video conference, or some other form of electronic communication.

Case coordinator, Ms. June Lowe, 718-613-2520, will assist in making the necessary arrangements.

SO ORDERED.



Jack B. Weinstein
Senior United States District Judge

Date: August 22, 2011
Brooklyn, New York