

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

TIMOTHY BOEHM

PLAINTIFF

v.

No. 4:10-cv-159-DPM

ELI LILLY & CO. and JOHN DOES A-F

DEFENDANTS

ORDER

For the reasons stated on the record at the 14 December 2011 hearing, plaintiff's motion to compel unredacted notes, *Document No. 46*, is denied. Plaintiff's motion to compel the deposition testimony of three additional pharmaceutical representatives, *Document No. 49*, is granted as modified: Boehm may depose each representative for two hours on his or her interactions with Dr. Miller about Zyprexa.


Boehm's motion to strike, *Document No. 55*, is granted in part and denied in part. The motion is granted as to paragraphs 60 and 61 of Lilly's statement of facts, but otherwise denied. The parties shall supplement the summary-judgment record by 13 January 2012 with a second deposition of Dr. Miller and any helpful information from the newly deposed

pharmaceutical representatives. Lilly shall supplement its Rule 56.1 Statement based on the existing and supplemental materials by the same date. Boehm shall respond to the supplemental Statement by 20 January 2012.

Boehm will also advise the Court by 13 January 2012 about the status of counts I-VII in his complaint. As the Court noted at the hearing, the parties have argued the case as if it rises or falls on the warnings issue, Count I. The Court tends to agree. But the Court requests Boehm's position on whether the other claims cover any disputed ground beyond the warnings.

Lilly's motion for summary judgment is denied on the limitations point; the Court will resolve the remaining issues on the supplemented record.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

20 December 2011