

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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In re: ZYPREXA  
PRODUCTS LIABILITY LITIGATION  
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ORDER  
04-MD-01596 (JBW)

Ferguson v. Eli Lilly & Co.

Doc. 2

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THIS DOCUMENT RELATES TO:

ALL ACTIONS  
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Jack B. Weinstein, Senior United States District Judge:

Members of the Plaintiffs' Steering Committee ("PSC") and other plaintiffs' attorneys and Eli Lilly and Co. ("Lilly") reached an agreement in principle to settle a significant number of Zyprexa personal injury cases pursuant to a June 8, 2005 Memorandum of Understanding. *See* Order of June 30, 2005. Special Settlement Masters were appointed to assist the parties in effectuating the settlement. *See id.* The Final Settlement Protocol was approved. *See* Order of November 22, 2005. A substantial sum was deposited as an escrow fund. *See* Order of August 16, 2005.

It is now almost one year since the date of the original Memorandum of Understanding, and six months since the Final Settlement Proposal was approved. Some 99% of participating plaintiffs—representing 8,028 individuals—have reportedly tendered releases to counsel for Lilly. *See* letter of Christopher A. Seeger dated May 17, 2006. It is the court's understanding that the settlement has not yet been fully ratified and none of the settlement proceeds have been distributed to any of the more than 8,000 individuals who are participating in the settlement. The delay appears to be due in large part to the failure of participating attorneys to provide proper papers to the Settlement Masters.



It is time for the settlement to be fully effectuated and the settlement funds to be distributed.

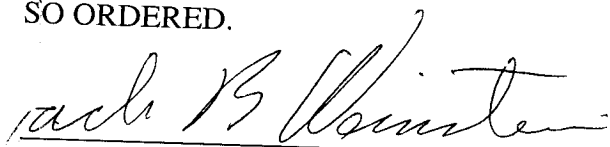
At 3:00 PM on Thursday, June 1, 2006 in Courtroom 10B South at 225 Cadman Plaza East, Brooklyn, New York, the court will meet with counsel and such Special Masters as wish to attend to discuss the status of the individual cases and methods of expediting closure.

The agenda is:

1. Report of Special Master Kenneth R. Feinberg.
2. Report of Special Master Peter Woodin.
3. Report of Melvin Weiss on the activities of the PSC.
4. Comments, requests, and suggestions of Lilly.
5. Comments, requests, and suggestions of any plaintiff counsel who wishes to be heard.
6. Rulings of court on adjustments to membership in the PSC.
7. Any other matters any person wishes to bring to the court's attention.

All plaintiff counsel participating in the settlement shall direct their full efforts to meeting promptly all of their remaining obligations under the settlement.

SO ORDERED.



Jack B. Weinstein

Dated: May 24, 2006  
Brooklyn, New York