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United States District Court,  
E.D. New York.  
In re ZYPREXA PRODUCTS LIABILITY LITIGATION.  
This Document Relates to All Actions.  
**MDL No. 1596.**

Dec. 28, 2006.

**ORDER REGARDING DAVID EGILMAN, M.D., M.P.H.**

[JACK B. WEINSTEIN](#), Senior District Judge.

**\*1** Upon consideration of the moving party's request for an Order to Show Cause, the response of David Egilman, M.D., M.P.H., and having heard oral argument, IT IS HEREBY ORDERED that:

1. Dr. Egilman shall be deposed, on a date agreeable to the parties, but no later than January 4, 2007 in New York City. The deposition shall be supervised by Special Master Peter H. Woodin, and shall continue day-to-day without regard to length, until Special Master Woodin determines that it is completed;

2. Dr. Egilman shall immediately preserve any and all documents and information including, but not limited to, all computer(s), hard-drives, other electronic storage media, hardcopy documents, emails, e-documents, text messaging, instant messaging, phone records and voice mails, that refer or relate to Zyprexa; his obligations under CMO-3, CMO-10, and CMO-11; his receipt of documents produced by Eli Lilly and Company subject to the protective orders in this case; his receipt of information about these documents; communications he had with anyone relating to these documents, including, but not limited to, his dissemination of or discussions relating to the documents; his retention by any person, entity or organization in connection with Zyprexa litigation; billing records or invoices for services rendered to any person in connection with Zyprexa litigation; payments received by Dr. Egilman from any person, entity or organization in connection with Zyprexa litigation; or his prior relationship with any person, organization or entity who received documents given by Dr. Egilman to Mr. Gottstein, including Mr. Gottstein; and

3. Dr. Egilman shall produce--to Nina Gussack, Esquire at Pepper Hamilton LLP, 3000 Two Logan Square, 18th & Arch Streets, Philadelphia, PA, 19103--by no later than January 2, 2007 at 10:00 a .m., copies of any and all documents and information including, but not limited to, all computer(s), hard-drives, other electronic storage media, hardcopy documents, emails, e-documents, text messaging, instant messaging, phone records and voice mails, that refer or relate to Zyprexa; his obligations under CMO-3, CMO-10, and CMO-11; his receipt of documents produced by Eli Lilly and Company subject to the protective orders in this case; his receipt of information about these documents; communications he had with anyone relating to these documents, including, but not limited to, his dissemination of or discussions relating to the documents; his retention by any person, entity or organization in connection with Zyprexa litigation; billing records or invoices for services rendered to any person in connection with Zyprexa litigation; payments received by Dr. Egilman from any person, entity or organization in connection with Zyprexa litigation; or his prior relationship with any person, organization or entity who received documents given by Dr. Egilman to Mr. Gottstein, including Mr. Gottstein. If anything responsive to this Order has been deleted or destroyed, any and all relevant computers shall be produced--to Ms. Gussack at Pepper Hamilton LLP, 3000 Two Logan Square, 18th & Arch Streets, Philadelphia, PA, 19103--by no later than January 2, 2006 at 10:00 a.m., to permit forensic examination and recovery of such documents.

**\*2** 4. Dr. Egilman shall further be prepared to testify about any prior Orders of contempt or sanctions, in any case, relating to his failure to abide by any order in such case.

SO ORDERED.

**Motions, Pleadings and Filings ([Back to top](#))**

- [2006 WL 1783425](#) (Trial Transcript) Transcript of Motion Before the Honorable Jack B. Weinstein United States District Judge. (May 24, 2006)Original Image of this Document (PDF)
- [2006 WL 1783437](#) (Trial Pleading) Transcript of Motion Before the Honorable Jack B. Weinstein United States District Judge. (May 24, 2006)Original Image of this Document (PDF)
- [2006 WL 1783509](#) (Trial Transcript) Transcript of Motion Before the Honorable Jack B. Weinstein United States District Judge. (May 24, 2006)Original Image of this Document (PDF)
- [2006 WL 1783510](#) (Trial Pleading) Transcript of Motion Before the Honorable Jack B. Weinstein United States District Judge. (May 24, 2006)Original Image of this Document (PDF)
- [2006 WL 1787824](#) (Trial Pleading) Complaint for Damages (May 22, 2006)Original Image of this Document (PDF)
- [2006 WL 1111729](#) (Trial Pleading) Answer to Plaintiffs' First Amended Petition (Apr. 7, 2006)
- [2006 WL 1210196](#) (Trial Pleading) Answer to Plaintiff's Petition for Damages of Defendant Eli Lilly and Company (Mar. 30, 2006)
- [2006 WL 984042](#) (Trial Pleading) Answer to Plaintiff's Petition for Damages of Defendant Eli Lilly and Company (Mar. 30, 2006)Original Image of this Document (PDF)
- [2006 WL 984041](#) (Trial Motion, Memorandum and Affidavit) Defendant Eli Lilly and Company's Brief in Support of Its Motion to Transfer Riley v. eli Lilly and Company as a Tag Along Action (Mar. 23, 2006)Original Image of this Document (PDF)
- [2006 WL 845998](#) (Trial Motion, Memorandum and Affidavit) Letter Motion (Feb. 22, 2006)
- [2006 WL 372036](#) (Trial Motion, Memorandum and Affidavit) Memorandum of Law in Support of Eli Lilly and Company's Motion to Dismiss First Amended Class Action Complaint (Jan. 12, 2006)
- [2006 WL 691317](#) (Trial Motion, Memorandum and Affidavit) Notice of Motion to Dismiss First Amended Class Action Complaint (Jan. 12, 2006)
- [2005 WL 3752649](#) (Trial Motion, Memorandum and Affidavit) Memorandum of Eli Lilly and Company in Response to Court's Order of December 5, 2005 (Dec. 12, 2005)
- [2005 WL 3752653](#) (Trial Motion, Memorandum and Affidavit) Response of Defendant Eli Lilly and Company to Plaintiffs' Motions to Dissolve Multidistrict Litigation, to Dissolve the Plaintiff Liaison Committee, to Stay Settlement of any Mdl Cases Pending Hearing and to Lift Stay on Discovery; and Motion to Allow Oral Expert Testimony (Dec. 7, 2005)
- [2005 WL 3752652](#) (Trial Motion, Memorandum and Affidavit) Motion to Allow Oral Expert Testimony (Dec. 2, 2005)
- [2005 WL 3752651](#) (Trial Motion, Memorandum and Affidavit) Motion to Dissolve Multi-District Litigation And/Or Motion to Dissolve the Plaintiff Liaison Committee Motion to Stay Settlement of any Mdl Cases Pending Hearing of these Motions And/Or Motion to Lift Stay on Discovery (Nov. 21, 2005)

[2005 WL 3752384](#) (Trial Pleading) Answer (Nov. 14, 2005)

[2005 WL 3028989](#) (Trial Motion, Memorandum and Affidavit) Defendant's Motion for Order Requiring Plaintiff to File Rico Case Statement (Sep. 29, 2005)

[2005 WL 3729456](#) (Trial Pleading) Defendant Eli Lilly and Company's Answer to Plaintiff's Original and First Amended Petitions (Sep. 26, 2005)

[2005 WL 3729457](#) (Trial Pleading) Defendant Eli Lilly and Company's Answer to Plaintiff's Original and First Supplemental and Amending Petitions (Sep. 26, 2005)

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