

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

LOUIS F. ORTENZIO, JR., M.D. and  
his wife, DONETTA ORTENZIO,

Plaintiffs,

v.

Civil Action No. 1:06CV179  
(STAMP)

ELI LILLY AND COMPANY.  
TOM M. BAILEY, CHRISTOPHER A. GEORGE,  
DAVID W. AVERY, DOES 1 THROUGH 10,  
being those persons, sales representatives,  
firms or corporations whose fraud, scheme  
to defraud, negligence and/or wrongful conduct  
caused or contributed to plaintiffs'  
injuries and damages, and PATRICIA WILLIAMS

Defendants.

**ORDER DIRECTING THE PARTIES TO FILE A STATUS REPORT**

On December 18, 2006, the defendants removed this action to federal court. The defendants, also on December 18, 2006, filed a motion a stay all pretrial proceedings, including any motion to remand pending a decision on transfer to a Multidistrict Litigation ("MDL") court by the Judicial Panel on Multidistrict Litigation ("JPMDL"). The plaintiffs then filed a motion to remand. On March 1, 2008, this case was transferred as an MDL-designated action to the United States District Court for the Eastern District of New York. This Court entered an order on June 1, 2007, granting the defendants' motion to stay pretrial activity, deferring ruling on the plaintiffs' motion to remand, and directing the parties to inform this Court of any ruling by the Honorable Jack B. Weinstein,

the presiding judge in the MDL proceeding, regarding any matter that may affect this Court.

This Court has recently learned that on December 28, 2007, Judge Weinstein--upon information that most of the cases had been settled in the multidistrict litigation proceeding, styled In re Zyprexa Products Liability Litigation ("Zyprexa"), Case No. 04-MDL-1596--entered an order directing the parties to show cause why all the pending Zyprexa personal injury cases, aside from those scheduled for trial, should not be administratively closed. The controversy between the parties in the above-styled civil action does not appear to be scheduled for trial. See In re Zyprexa Prod. Liab. Litig., 04-MD-1596, 2007 WL 4395120 (E.D.N.Y. Nov. 1, 2007). Therefore, this Court finds that it would be beneficial for the parties to file a joint status report. Accordingly, the parties are DIRECTED to file a joint status report apprising the Court of the status of this case on or before **February 14, 2008**.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein. The Clerk is further directed to file the December 28, 2007 order by the United States District Court for the Eastern District of New York in the case In re Zyprexa Products Liability Litigation ("Zyprexa"), 04-MDL-1596, attached.

DATED: January 31, 2008

/s/ Frederick P. Stamp, Jr.  
FREDERICK P. STAMP, JR.  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x  
In re: ZYPREXA  
PRODUCTS LIABILITY LITIGATION  
-----x

04-MDL-1596

THIS DOCUMENT RELATES TO:

ORDER

ALL CASES

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

-----x  
JACK B. WEINSTEIN, Senior District Judge:

★ DEC 28 2007 ★

BROOKLYN OFFICE

I.

It has been reported that all or most all of the Zyprexa personal injury cases have been settled. Nevertheless, they remain on this court's docket sheet as open cases. Because so many of them were brought under the same title and number, it is difficult for our docket clerks to terminate them.

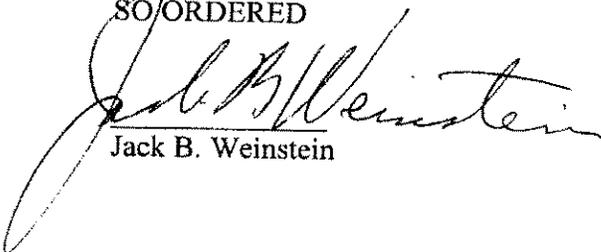
A number have been scheduled for trial. See In re Zyprexa Prod. Liab. Litig., 04-MD-1596, 2007 WL 4395120 (E.D.N.Y. Nov. 1, 2007).

On January 3, 2008, at 2:00 p.m. the parties shall show cause why all the pending Zyprexa personal injury cases, aside from those scheduled for trial, should not be marked "administratively closed." Those cases administratively closed may be reopened by any party stating that settlement has either not been reached or consummated. Parties wishing to participate by telephone may contact Case Manager June Lowe at 718-613-2525.

II.

A telephone conference between this court and Indiana State Court Judge Robert M. Hall, which took place today, has been transcribed. Copies of the transcript have been sent by facsimile to Judge Hall, the Plaintiffs' Steering Committee I, the Plaintiffs' Steering Committee II, the Plaintiffs' Liaison Counsel, the Mulligan Law Firm, the Garretson Law Firm, and Special Master Peter Woodin.

SO ORDERED



Jack B. Weinstein

Date: December 28, 2007  
Brooklyn, New York