

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ORDER

In re: ZYPREXA PRODUCTS LIABILITY
LITIGATION

04-MD-1596

UFCW LOCAL 1776 AND PARTICIPATING
EMPLOYERS HEALTH AND WELFARE
FUND, ERIC TAYAG, and MID-WEST
NATIONAL LIFE INSURANCE COMPANY
OF TENNESSEE, on behalf of themselves and
others similarly situated,

05-CV-2948

05-CV-4115

Plaintiffs,

– against –

ELI LILLY & COMPANY,

Defendant.

LOCAL 28 SHEET METAL WORKERS, on
behalf of themselves and others similarly
situated,

06-CV-0021

Plaintiffs,

– against –

ELI LILLY & COMPANY,

Defendant.

SERGEANTS BENEVOLENT
ASSOCIATION HEALTH AND WELFARE
FUND, on behalf of itself and all others
similarly situated,

06-CV-6322

Plaintiffs,

– against –

ELI LILLY & COMPANY,

Defendant.

JACK B. WEINSTEIN, United States District Judge:

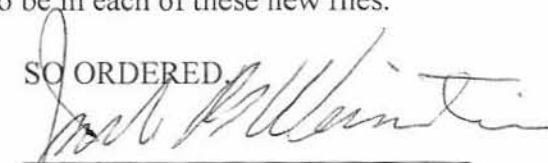
The United States Court of Appeals for the Second Circuit having concluded that this court's certification of a class of third-party payors as to the plaintiffs' RICO claims was inappropriate, *see UFCW Local 1776 v. Eli Lilly & Co.*, 620 F.3d 121, 131-36 (2d Cir. 2010), the class action allegations in the complaint of the third-party payor plaintiffs are stricken. The class action is superseded by the individual actions only, which are described below. *See* Transcript of November 14, 2011 Hearing.

The Clerk of Court shall issue new docket numbers for each of the following actions, without requiring payment of fees:

1. UFCW Local 1776 v. Eli Lilly & Co., 04-MD-1596, 11-CV---;
2. Mid-West National Life Insurance Co. of Tennessee v. Eli Lilly & Co., 04-MD-1596, 11-CV---;
3. Local 28 Sheet Metal Workers v. Eli Lilly & Co., 04-MD-1596, 11-CV---;
4. Sergeants Benevolent Association Health & Welfare Fund v. Eli Lilly & Co., 04-MD-1596, 11-CV---;
5. AFSCME District Council 37 v. Eli Lilly & Co., 04-MD-1596, 11-CV---; and
6. United Federation of Teachers Welfare Fund v. Eli Lilly & Co., 04-MD-1596, 11-CV---

These cases shall proceed as individual actions and are deemed to have been commenced when the original class action was filed. All papers in Nos. 04-MD-1506, 05-CV-2948, 05-CV-4115, 06-CV-0021, and 06-CV-6322 are deemed to be in each of these new files.

SO ORDERED.



Jack B. Weinstein

Senior United States District Judge

Date: November 18, 2011
Brooklyn, New York