IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FEDERAL TRADE COMMISSION, *Plaintiff*, v. AMGEN, INC. and HORIZON THERAPEUTICS PLC, *Defendants*.	No. 23-cv-03053 Judge John F. Kness

STIPULATED ORDER TO ADDRESS THE FTC's REQUEST FOR A TEMPORARY RESTRAINING ORDER

WHEREAS Plaintiff the Federal Trade Commission (the "FTC") filed a complaint in this matter on May 16, 2023, seeking, among other forms of relief, a temporary restraining order ("TRO") and preliminary injunction enjoining the acquisition (the "Acquisition") of Defendant Horizon Therapeutics PLC ("Horizon") by Defendant Amgen, Inc. ("Amgen");

WHEREAS Defendants Amgen and Horizon believe the Acquisition is lawful, the complaint is without merit, and there is no basis for a TRO or any other injunctive relief deferring consummation of the Acquisition; and

WHEREAS Defendants Amgen and Horizon are nonetheless agreeable to deferring consummation of the Acquisition until September 15, 2023 to permit full

briefing, a hearing, and less-compressed consideration by the Court of the parties' respective positions;

IT IS HEREBY AGREED that Defendants will not consummate the Acquisition until the earlier of (i) September 15, 2023, or (ii) two business days after a ruling by this Court on the FTC's motion for a preliminary injunction under Section 13(b) of the Federal Trade Commission Act, 15 U.S.C. § 53(b), and Section 7 of the Clayton Act, 15 U.S.C. § 18; *provided*, however, that Defendants may consummate the Acquisition immediately if the FTC does not file an administrative complaint within 20 days of the date this Stipulation is entered by the Court;

IT IS FURTHER AGREED that, on or before May 22, 2023, the parties will submit a proposed joint case management order that will permit expedited discovery, full briefing of the issues, and a hearing to be held at the Court's convenience in August 2023;

IT IS FURTHER AGREED that the parties hereby request an expedited case management conference with the Court (at its earliest convenience during the week of May 22, 2023) to resolve any disputes concerning the forthcoming proposed case management order;

IT IS FURTHER AGREED that discovery has commenced, and the FTC shall begin producing its investigative file on May 18, 2023, upon the submission of a proposed interim protective or confidentiality order, to permit the parties to achieve the objective of an August hearing on the FTC's motion for a preliminary injunction;

IT IS FURTHER AGREED that the FTC will produce its full investigative file as quickly as possible, and will use its best efforts to complete production no later than Tuesday, May 23, 2023; and

IT IS FURTHER AGREED that the parties will abide by the proposed interim protective or confidentiality order unless and until the Court enters a superseding protective or confidentiality order.

(*Order continued on following page.*)

/s/ Nathan Brenner

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SO ORDERED in No. 23-cv-03053.

Date: May 17, 2023

JOHN F. KNESS
United States District Judge