UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FEDERAL TRADE COMMISSION, STATE OF CALIFORNIA, STATE OF ILLINOIS, STATE OF MINNESOTA, STATE OF NEW YORK, STATE OF WASHINGTON and STATE OF WISCONSIN, *Plaintiffs*, v. AMGEN INC. and HORIZON THERAPEUTICS PLC, *Defendants*.	Case No. 1:23-cv-03053 Judge John F. Kness

DEFENDANTS' UNOPPOSED MOTION
TO ENLARGE PAGE LIMIT FOR SUMMARY JUDGMENT BRIEF

Defendants Amgen Inc. ("Amgen") and Horizon Therapeutics plc ("Horizon" and, together with Amgen, "Defendants") respectfully move, on the following grounds, for leave to file a memorandum of up to 20 pages in support of their anticipated motion for summary judgment on certain of their counterclaims concerning the constitutionality of the related administrative proceeding.

1. On June 29, 2023, Defendants answered Plaintiffs' complaint and asserted counterclaims raising important constitutional flaws in the Federal Trade Commission ("FTC") administrative proceeding (the "Administrative Proceeding") that underlies Plaintiffs' request for preliminary injunctive relief in this action (Dkt. 77 at 38-56).

2. Defendants intend shortly to move for summary judgment on certain of their Counterclaims—Count I, alleging that the Administrative Proceeding involves an improper delegation of legislative power, in violation of Article I of the Constitution; Count II, alleging that FTC Commissioners and administrative law judges are insulated from accountability to and removal by the President, in violation of Article II of the Constitution; Count III, alleging that the Administrative Proceeding violates Defendants' rights to due process under the Fifth Amendment to the Constitution; and Count IV, alleging that the Administrative Proceeding results from an arbitrary and irrational process for assigning agency review of the transaction at issue and thus violates Defendants' right to equal protection under the Fifth Amendment to the Constitution.

3. Defendants respectfully submit that the five-page enlargement requested in this motion is necessary to present adequately the important constitutional issues raised by Defendants' counterclaims.

4. Counsel for Plaintiff Federal Trade Commission has advised that Plaintiffs do not oppose this request.

WHEREFORE, Defendants respectfully request that the Court enter an order granting them leave to file a memorandum of up to 20 pages in support of their motion for summary judgment on their constitutional counterclaims.

Dated: August 21, 2023

New York, New York

Respectfully submitted,

/s/ David R. Marriott

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