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

DECLARATION OF DAVID R. MARRIOTT IN SUPPORT OF DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT ON DEFENDANTS' CONSTITUTIONAL CLAIMS

I, David Marriott, declare as follows:

1. I am counsel of record for Amgen Inc. in this action. I have personal knowledge of the facts stated in this Declaration and, if called as a witness, I could and would testify competently to these facts under oath.

2. Attached as exhibits to this Declaration are true and correct copies of the following documents:

Exhibit	Description
1	Federal Trade Commission, "Premerger Notification and the Merger Review Process," https://www.ftc.gov/advice-guidance/competition-guidance/guide-antitrust-laws/mergers/premerger-notification-merger-review-process (last visited August 15, 2023).
2	Testimony of Abbott B. Lipsky, Jr. to Senate Subcommittee on Antitrust, Competition Policy and Consumer Rights, *S.2102, THE "STANDARD MERGER AND ACQUISITION REVIEWS THROUGH EQUAL RULES ACT OF 2015,"* dated October 7, 2015.
3	Complaint (PUBLIC), *In the Matter of AMGEN INC., and HORIZON THERAPEUTICS PLC*, FTC Docket No. 9414, filed June 22, 2023.
4	Press Release, "FTC Sues to Block Biopharmaceutical Giant Amgen from Acquisition That Would Entrench Monopoly Drugs Used to Treat Two Serious Illnesses," dated May 16, 2023.

3. Prior to filing its complaint against Amgen Inc., the Federal Trade Commission ("Commission"), as part of its investigation: (i) issued Civil Investigative Demands to third parties; (ii) issued a Request for Additional Information and Documentary Material ("Second Request") to Amgen Inc. and Horizon Therapeutics plc; and (iii) met with, interviewed and received evidence from potential witnesses.

4. Amgen Inc. discussed settlement of the case with representatives of the Commission.

5. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 21, 2023

New York, New York



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