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. 23-cv-03053

PLAINTIFF FEDERAL TRADE COMMISIONS'S UNOPPOSED MOTION FOR AN ORDER DIRECTING THE FILING OF PLAINTIFFS' AMENDED COMPLAINT UNDER SEAL

Plaintiff the Federal Trade Commission (the "Commission") respectfully moves the Court for an order, pursuant to Rules 5 and 7(b) of the Federal Rules of Civil Procedure and Local Civil Rules 5.8 and 26.2, directing the Clerk of the Court to file under seal, until further order, Plaintiffs' Amended Complaint for Temporary Restraining Order and Preliminary

Injunction Pursuant to Section 13(b) of the Federal Trade Commission Act and Section 16 of the Clayton Act.

Plaintiffs filed this action pursuant to Section 13(b) of the Federal Trade Commission Act, 15 U.S.C. 53(b), and Section 16 of the Clayton Act, seeking to preliminary enjoin Defendant Amgen Inc. ("Amgen") from consummating the proposed acquisition (the "Acquisition") of Defendant Horizon Therapeutics PLC ("Horizon"). Plaintiffs' Amended Complaint includes potentially sensitive business information provided to the Commission by Defendants during the Commission's investigation of the Acquisition. Defendants produced this information to the Commission with the expectation that the Commission would maintain its confidentiality. Until now, the Commission has protected these materials from public disclosure by virtue of various statutory and regulatory provisions, including 15 U.S.C. §§ 18a(h), 46(f), 57b-2(b),(c), and 16 C.F.R. §§ 4.10(d) and (g).

Consistent with the governing statutes and regulations, the Commission's practice is to file such documents, and any information derived from them, under seal and to notify the producing party that the documents containing this information have been filed under seal. Accordingly, the Commission respectfully requests that the Court enter the attached order granting leave to file the foregoing documents under seal until further order. The Commission consulted with Defendants in this matter and can represent that the motion to seal is unopposed.

Dated: June 22, 2023

Respectfully submitted,

/s/ Nathan Brenner
Nathan Brenner
Stephen A. Mohr
Jordan S. Andrew
Federal Trade Commission
Bureau of Competition
600 Pennsylvania Avenue, NW
Washington, DC 20580
Tel.: 202-326-2314
Email: nbrenner@ftc.gov

Counsel for Plaintiff Federal Trade Commission

Rachel F. Sifuentes
Midwest Regional Office
Federal Trade Commission
230 S. Dearborn St., Room 3030
Chicago, IL 60604

Local Counsel for Plaintiff Federal Trade Commission