UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FEDERAL TRADE COMMISSION, *Plaintiff*, v. AMGEN, INC. and HORIZON THERAPEUTICS PLC, *Defendants*.	Case No. 1:23-cv-03053 Judge John F. Kness

PLAINTIFF AND DEFENDANTS' JOINT EMERGENCY MOTION FOR ENTRY OF STIPULATION AND PROPOSED ORDER

Plaintiff Federal Trade Commission (the "Commission") and Defendants Amgen, Inc. ("Amgen") and Horizon Therapeutics PLC ("Horizon") (collectively "Defendants") move this Court for an order entering the parties' joint stipulation. Plaintiff filed a complaint in this matter on May 16, 2023, seeking, among other relief, a temporary restraining order ("TRO") and preliminary injunction enjoining the acquisition of Horizon by Amgen (the "Acquisition").

Plaintiff's position is that entry of this joint stipulation and proposed order is necessary to prevent immediate and irreparable harm to competition and the public, and to preserve the Court's ability to evaluate and to enter effective relief if it determines that a preliminary injunction is warranted. Absent action by this Court, Defendants will potentially be free to consummate the Acquisition as early as May 22, 2023.

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. However, 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.

Therefore, subject to court approval, Plaintiff and Defendants have agreed as follows:

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 pursuant to 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 the parties' Stipulation is so-ordered;

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;

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;

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;

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; and

The parties will abide by the proposed interim protective or confidentiality order unless and until the Court enters a superseding protective or confidentiality order.

Accordingly, Plaintiff and Defendants respectfully request that the Court enter the attached stipulation as soon as practicable.

Dated: May 17, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2023, I caused true and correct copies of the foregoing PLAINTIFF AND DEFENDANTS' JOINT EMERGENCY MOTION FOR ENTRY OF STIPULATION AND PROPOSED ORDER to be served via electronic mail on counsel listed below:

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