

**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

PLAINTIFFS AND DEFENDANTS' JOINT MOTION TO DISMISS ACTION

Plaintiffs and Defendants jointly move this Court to dismiss the claims in this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). Plaintiff Federal Trade Commission (the "FTC") 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 Defendant Horizon Therapeutics plc by Defendant Amgen Inc (hereinafter referred to as the "Acquisition"). The FTC sought this relief solely to prevent Defendants from closing the Acquisition pending the resolution of the FTC's challenge to the Acquisition in its pending administrative proceeding. *See* 15 U.S.C. § 53(b)(2). The FTC filed an administrative complaint on June 22, 2023, *In re: Amgen Inc., et al.*, Dkt. No. 9414 (the "underlying administrative matter").

The parties have now resolved all claims in this matter and in the underlying administrative matter as embodied in an Agreement Containing Consent Order (“Consent Agreement”) and proposed Decision & Order (“D&O”) before the Federal Trade Commission (“FTC”). Exhibit 1. The FTC voted to approve issuance of the Consent Agreement and proposed D&O on August 31, 2023. Federal Trade Commission, <https://www.ftc.gov/legal-library/browse/cases-proceedings/231-0037-amgen-inc-horizon-therapeutics-plc-matter> (September 1, 2023). As a result, Plaintiffs’ request for relief, and Defendants’ counterclaims, are now moot. Therefore, the parties move that the Court dismiss the claims and counterclaims. The parties have agreed to bear their own costs.

Plaintiff State of Wisconsin, represented by its Attorney General, does not join this motion as it may not move the Court for dismissal of a civil action without authorization of its state legislature, pursuant to Wis. Stat. s. 165.08; authorization for which is pending at the time of this filing. The State of Wisconsin therefore takes no position on this motion. This does not affect the Court’s power to dismiss the Amended Complaint as to Wisconsin.

Dated: September 1, 2023

Respectfully submitted,

/s/ Nathan Brenner
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