

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

ABBVIE INC. et al.,

Defendants.

CIVIL ACTION

Case No. 14-cv-5151

[PROPOSED] ORDER

The matter is before the Court on the motion in limine filed by Defendants AbbVie Inc., Abbott Laboratories, Unimed Pharmaceuticals LLC, and Besins Healthcare, Inc. to preclude FTC from introducing certain testimony of Plaintiff's expert Carl Shapiro. Upon consideration of the contentions and arguments of the parties, the Court hereby **ORDERS** as follows:

1. Defendants' motion in limine to preclude FTC from introducing certain testimony of Plaintiff's expert Carl Shapiro is GRANTED.

2. FTC may not elicit or introduce evidence from Dr. Shapiro regarding whether factual assumptions underlying his disgorgement/financial gain scenarios are "reasonable," or characterizing the evidence in this litigation separate from offering specific opinions. The precluded evidence includes testimony regarding the following portions of Dr. Shapiro's reports (as well as any other Shapiro testimony that would make the same point as made in the specified portions of Dr. Shapiro' reports):

A. Opening Report: The following portions, and all related tables, figures, exhibits, etc.: Section 3.E; Section 6.A.1, except the final sentence; Section 6.C.6., except the portion of the first paragraph beginning with the words "Perrigo would have sued . . ."; Section

6.C.7, first sentence; Appendix E, p. 2, sentence beginning with the words “As discussed in the main text of my report . . .”; Appendix E, p. 15, from “In my view, this fact tells us little . . .” through footnote 67.

B. Rebuttal Report: The following portions, and all related tables, figures, exhibits, etc.: Section 2, second bullet, sentence starting with “A simple . . .” and the portion of the next sentence “starting with words and each assumption . . .”; Section 3.H.4.A; Section 3.H.4.B; Appendix D, p. 1, from: “These forecasts are highly relevant pieces of evidence because . . .” through the end of the paragraph.

3. FTC shall make Dr. Shapiro aware of this order and ensure that he conforms his testimony to it.

Dated: _____

The Honorable Harvey Bartle, III
United States District Judge

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**DEFENDANTS' MOTION IN LIMINE
TO PRECLUDE FTC FROM INTRODUCING CERTAIN TESTIMONY
OF ITS EXPERT DR. CARL SHAPIRO**

Defendants AbbVie, Inc., Abbott Laboratories, Unimed Pharmaceuticals LLC, and Besins Healthcare, Inc. move for an order precluding FTC from eliciting certain testimony from its expert Dr. Carl Shapiro, as specified in the attached proposed order and supporting memorandum.

Dated: January 10, 2018

Respectfully submitted,

/s/ Stuart N. Senator
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CERTIFICATE OF SERVICE

I certify that, on January 10, 2018, the foregoing document was filed with the United States District Court for the Eastern District of Pennsylvania using the ECF system. The document is available for viewing and downloading.

/s/ Adam R. Lawton