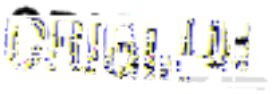
01 05 2018
589244



required [illegible] Settlement" [illegible] sales of extended release [illegible] Complaint Counsel [illegible] of this action by requesting relief in Complaint Counsel's proposed order that would "specifically nullify the [2017 Settlement]." Endo asserts that, to date, the 2017 Settlement has not been the subject of any [illegible] Complaint Counsel or Commission staff.

Endo charges that Complaint Counsel's [illegible] on the 2017 Settlement. Thus, Endo seeks to intervene for the limited purpose of responding to Complaint Counsel's Post-Trial Brief and proposed order opposing (1) any findings related to the alleged competitive effects of the 2017 Settlement, and (2) the nullification of the 2017 Settlement, or any remedy that would affect Endo's rights under that agreement.

III.

The FTC Act provides that any [illegible] may be allowed by the Commission to intervene and appear in said proceeding [illegible] shown." 15 U.S.C. § 45(b). Pursuant to Rule 3.14(a) of the Commission's Rules of Practice, the Administrative Law Judge may by order [illegible] to such extent and upon such terms as are provided by law or as [illegible] proper." 16 C.F.R. § 3.14(a). Before the Commission will allow intervention in its proceedings, it must be demonstrated that the persons seeking such intervention desire to raise substantial issues of law or fact which would not otherwise be adequately raised or argued, and that the issues raised are of sufficient importance to warrant additional expenditure of Commission resources or an unnecessarily protracted and more complicated proceeding. *In re Kraft, Inc.*, Docket No. 8883, 1970 FTC LEXIS 84, at *2 (Oct. 6, 1970) (citing *In re Procter & Gamble Co.*, Docket No. 8860, 69 F.T.C. 1666 (1970)). In considering a motion to intervene, the Administrative Law Judge shall also take into account the need to conclude the proceedings as expeditiously as possible. *Id.* at *4 (citing *In re Kellogg Co.*, Docket No. 8883, 1979 FTC LEXIS 89, at *2 (1979)).

The circumstances presented by Endo's motion are similar to those presented in a motion to intervene in *In re Polypore*, No. 9327, 2008 WL 2478665 (Apr. 30, 2008). In that case, good cause was found where complaint counsel's proposed order sought, among other things, to "terminate" and "declare null and void" a section of an agreement between the proposed intervenor and the respondent. In that case, as in this case, the proposed intervenor demonstrated substantial issues of law or fact which would not otherwise be adequately raised or argued, and that the issues raised are of sufficient importance. Accordingly, Endo has demonstrated good cause to intervene for the limited purpose set forth below. In addition, no party opposes the Motion.

IV.

For the reasons set forth a[redacted]

ORDERED that Endo is permitted to intervene in this action [redacted] responding to Complainant Counsel's Post-Hearing Motion [redacted] (1) any [redacted] the nullification of the 2015 Settlement Agreement [redacted] under that agreement. Endo [redacted] January 16, 2018.

The Parties shall [redacted] Post-Trial Reply Briefs [redacted]

ORDERED:

D. Michael [redacted]
Chief Administrative Law Judge

Date: January 5, 2018