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express written consent by Endo, provided, however, that such documents may be disclosed or shown to (i) this tribunal and its staff but shall not be placed on the public record prior to the administrative hearing and shall not be placed on the public record during or after the administrative hearing without an opportunity for Endo to seek an *in camera* order, which Complaint Counsel and Impax Counsel shall not oppose, (ii) current or former Endo employees who would have seen or received such documents in the course of their employment, and (iii) testifying and non-testifying expert consultants employed by or acting as agents of Impax Counsel or Complaint Counsel.

- d. In the event that Complaint Counsel or Impax Counsel believes that any of the Non-Opana Documents should be made available for use and re-designated as Opana ER Documents for purposes of this proceeding, they shall give Endo's undersigned counsel notice in writing, specifying the documents in question by their beginning production numbers and the reason for their request to re-designate such documents.
  - i. If the request includes 50 or fewer documents (including family members), Endo shall have three (3) business days (counted starting on the first business day following the day notice is provided) within which to either consent or object to the requested re-designation. If the request includes more than 50 documents (including family members), Endo shall have five (5) business days (counted as above) within which to either object or consent to the requested re-designation.

- ii. If Endo objects on the basis that the document(s) does/do not pertain to the issues of this proceeding, it shall have an additional four (4) business days within which to move for entry of a protective order. Until such motion is resolved, the document(s) in question shall continue to be treated on a Restricted Basis as described in Paragraph 2.c.
  - e. Any Non-Opana Documents that are re-designated as Opana ER Documents, whether by agreement or by order of this tribunal, shall be maintained as “confidential materials” under the January 24 Protective Order. Endo’s agreement, or any order of the tribunal, to re-designate any Non-Opana Documents shall apply to this proceeding only and shall not be binding on or deemed an admission by Endo in any other proceeding or litigation.
- 3. The FTC may also produce the Endo IH Transcripts to Impax Counsel subject to the following terms and conditions:
  - a. By April 5, 2017, Endo shall produce to Complaint Counsel and Impax Counsel copies of the Endo IH Transcripts that have been redacted to exclude testimony that Endo believes does not relate to this proceeding (the “Non-Opana Testimony”).
  - b. The Endo IH Transcripts shall be treated by the FTC and by Impax as “confidential materials” under the January 24 Protective Order, provided however that any Non-Opana Testimony shall be treated on a Restricted Basis (as defined herein).

- c. In the event that Complaint Counsel or Impax Counsel believes that any Endo IH testimony designated by Endo counsel as “Non-Opana Testimony” should be designated as Opana Testimony for purposes of this proceeding, they shall give Endo’s undersigned counsel notice in writing, specifying the testimony in question and the reason for their request to re-designate such testimony. Endo shall thereafter have five (5) business days within which to either object or consent to the requested re-designation. If Endo objects, it shall have an additional four (4) business days within which to move for entry of a protective order. Until such motion is resolved, the testimony in question shall continue to be treated as provided in Paragraph 3.b.
  - d. Any Non-Opana Testimony that is re-designated as Opana Testimony, whether by agreement or by order of this tribunal, shall be maintained as “confidential materials” under the January 24 Protective Order. Endo’s agreement, or any order of this tribunal, to re-designate any Endo IH Testimony shall apply to this proceeding only and shall not be binding on or deemed an admission by Endo in any other proceeding or litigation.
  - e. Any and all exhibits to the Endo IH Transcripts shall be treated in the manner provided in Paragraph 2.
4. The terms of this Stipulation and [Proposed] Order shall remain in effect following the termination of this proceeding.

Respectfully submitted, April 5, 2017:

/s/ Bradley S. Albert

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Counsel for Impax Laboratories, Inc.

SO ORDERED this \_\_\_ day of \_\_\_\_\_, 2017.

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The Honorable D. Michael Chappell  
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2017, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

Donald S. Clark  
Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-113  
Washington, DC 20580

The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-110  
Washington, DC 20580

I also certify that I delivered via electronic mail a copy of the foregoing document to:

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CERTIFICATE FOR ELECTRONIC FILING

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

April 5, 2017

By: \_