

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**FEDERAL TRADE  
COMMISSION,**

**Plaintiff,**

**vs.**

**ACTAVIS, INC., et al.,**

**Defendants.**

**Case Number: 1:09-cv-955-TWT**

**Stipulation and Order Dismissing with Prejudice as to Defendants  
Actavis, Inc. and Actavis Holdco US, Inc.**

**WHEREAS**, on February 21, 2019, Judge Goldberg in the Eastern District of Pennsylvania entered a Stipulated Revised Order for Permanent Injunction and Equitable Monetary Relief in the case styled *Federal Trade Commission v. Cephalon, Inc.*, No. 08-cv-2141 (E.D. Pa.). A copy of the Stipulated Revised Order for Permanent Injunction and Equitable Monetary Relief (“Permanent Injunction”) is attached as Exhibit A;

**WHEREAS**, as of August 2, 2016, Actavis Holdco US, Inc. (“Actavis Holdco”) is a wholly-owned indirect subsidiary of Teva Pharmaceutical Industries, Ltd. (“Teva”);

**WHEREAS**, under the Permanent Injunction, Teva and its subsidiaries, including Actavis Holdco, are prohibited from entering into agreements similar to those challenged in this case. (Permanent Injunction § I.) The scope of this prohibition is consistent with the relief the FTC seeks in this case. *See* Federal Trade Commission's Third Supplemental Response to Actavis Inc.'s First Set of Interrogatories (Sept. 8, 2016). Entry of the Permanent Injunction, therefore, adequately addresses the alleged anticompetitive conduct at issue in this case with respect to Actavis Holdco;

**WHEREAS**

**IT IS HEREBY ORDERED** that:

1.

Actavis Defendants that any other defendant has produced to the FTC in connection with this proceeding. The Actavis Defendants agree to use reasonable best efforts to authenticate any such documents and/or data pursuant to the requirements of Federal Rule of Evidence 902(11) by certifying, to the extent accurate and correct, that the records: (1) are genuine, true, and correct copies of original records; (2) were made at or near the time of the occurrence of the matters set forth in the document; (3) were made by, or from information transmitted by, someone with knowledge of those matters; (4) were kept in the course of regularly conducted activity of the Actavis Defendants' business; and (5) were made as a regular practice of that business activity; and

- e. Use reasonable best efforts to make David Buchen, Edward Tykot, and a custodian of record (to the extent such custodian is necessary to authenticate documents or provide related testimony) available to provide live testimony at trial in this proceeding as requested by the FTC. Reasonable best efforts include making available to Mr. Buchen, Mr. Tykot, and a custodian of record all logistical, travel, and other assistance that was, or would be, available to the Actavis

Defendants' witnesses for trial in which the Actavis Defendants were parties.

3. Each party is to bear its own attorneys' fees and costs.

**ENTERED** and **ORDERED** this 25th day of February, 2019.

/s/Thomas W. Thrash  
Honorable Thomas W. Thrash, Jr.

/s/ Markus H. Meier

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Actavis Holdco US, Inc.*