

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FEDERAL TRADE COMMISSION,)	
)	
Petitioner,)	
)	
v.)	Misc. No. _____
)	
BOEHRINGER INGELHEIM)	
PHARMACEUTICALS, INC.,)	
)	
Respondent.)	

ORDER TO SHOW CAUSE

Pursuant to the authority conferred by Sections 9 and 16 of the Federal Trade Commission Act, 15 U.S.C. §§ 49, 56, Petitioner, the Federal Trade Commission, has invoked the aid of this Court, pursuant to Fed. R. Civ. P. 81(a)(5), for an order requiring Respondent Boehringer Ingelheim Pharmaceuticals, Inc. to comply in full with the February 5, 2009, subpoena *duces tecum* issued to it in aid of a law enforcement investigation being conducted by the Commission (FTC File No. 091-0023).

The Court has considered the Commission's Petition for an Order Enforcing Subpoena *Duces Tecum* Issued in Furtherance of a Law Enforcement Investigation and the papers filed in support thereof; and it appears to the Court that Petitioner has shown good cause for the entry of this Order. It is by this Court hereby

ORDERED that Respondent Boehringer appear at _____ a.m./p.m. on the _____ day of _____, 2009, in Courtroom No. _____ of the United States Courthouse in Washington, D.C., and show cause, if any there be, why this Court should not grant said Petition and enter an

Order enforcing the subpoena issued to the Respondent and directing it to produce, within ten (10) days of the date of the Order, all responsive documents in compliance with the subpoena and without any redactions, except those redactions for which Respondent has claimed a privilege or for which it has sought and received the Commission's prior authorization. Unless the Court determines otherwise, notwithstanding the filing or pendency of any procedural or other motions, all issues raised by the Petition and supporting papers, and any opposition to the Petition, will be considered at the hearing on the Petition, and the allegations of said Petition shall be deemed admitted unless controverted by a specific factual showing.

IT IS FURTHER ORDERED that, if Respondent believes it necessary for the Court to hear live testimony, it must file an affidavit reflecting such testimony (or if a proposed witness is not available to provide such an affidavit, a specific description of the witness's proposed testimony) and explain why Respondent believes live testimony is required.

IT IS FURTHER ORDERED that, if Respondent intends to file pleadings, affidavits, exhibits, motions or other papers in opposition to said Petition or to the entry of the Order requested therein, such papers must be filed with the Court and received by Petitioner's counsel by _____ a.m./p.m. on _____, 2009. Such submission shall include, in the case of any affidavits or exhibits not previously submitted, or objections not previously made to the Federal Trade Commission, an explanation as to why such objections were not made or such papers or information not submitted to the Commission. Any reply by Petitioner shall be filed with the Court and received by Respondent by _____ a.m./p.m. on _____, 2009.

IT IS FURTHER ORDERED, pursuant to Fed. R. Civ. P. 81(a)(5), that this is a summary proceeding and that no party shall be entitled to discovery without further order of the Court upon

a specific showing of need; and that the dates for a hearing and the filing of papers established by this Order shall not be altered without prior order of the Court upon good cause shown; and

IT IS FURTHER ORDERED, pursuant to Fed. R. Civ. P. 81(a)(5), that a certified copy of this Order and copies of said Petition and Memorandum in support thereof filed herein, be served forthwith by Petitioner upon Respondent or its counsel by personal service, or by certified or registered mail with return receipt requested, or by overnight express delivery service.

SO ORDERED:

United States District Judge

Dated: _____, Washington, D.C.