

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FEDERAL TRADE COMMISSION,	:		
	:		
Petitioner,	:		
	:	Misc. Action No.:	09-0564 (RMU)
v.	:		
	:	Document No.:	1
BOEHRINGER INGELHEIM	:		
PHARMACEUTICALS, INC.,	:		
	:		
Respondent.	:		

ORDER

**DIRECTING THE RESPONDENT TO SHOW CAUSE WHY THE COURT SHOULD NOT GRANT THE
FEDERAL TRADE COMMISSION’S PETITION FOR AN ORDER ENFORCING SUBPOENA *DUCES
TECUM* ISSUED IN FURTHERANCE OF A LAW ENFORCEMENT INVESTIGATION**

Pursuant to the authority conferred by Sections 9 and 16 of the Federal Trade Commission Act, 15 U.S.C. §§ 49, 56, the petitioner, the Federal Trade Commission (“the Commission”), has invoked the aid of this Court, pursuant to Fed. R. Civ. P. 81(a)(5), for an order requiring the 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 (“the petition”) and the papers filed in support thereof, and it appears that the petitioner has shown good cause for the entry of this Order. Accordingly, it is this 4th day of December, 2009, hereby

ORDERED that the respondent shall show cause in writing, on or before December 15, 2009, why the court should not grant the petition and enter an order enforcing the subpoena issued to the respondent and directing it to produce, within ten (10) days, all responsive

documents in compliance with the subpoena and without any redactions, except those redactions for which the 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, the court will consider all issues raised by the petition and supporting papers, as well as any opposition to the petition, and the allegations of the petition will be deemed admitted unless controverted by a specific factual showing; and it is

FURTHER ORDERED that if the respondent believes that a hearing on this matter is necessary, it shall include an explanation for that position in the response to be filed on or before December 15, 2009; and it is

ORDERED that if the respondent believes it necessary for the court to hear live testimony, on or before December 15, 2009, it must explain why the respondent believes live testimony is required and 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 it is

FURTHER ORDERED that if the respondent intends to file pleadings, affidavits, exhibits, motions or other papers in opposition to the petition or to the entry of the order requested therein, such papers must be filed on or before December 15, 2009. Such submission shall include, in the case of any affidavits or exhibits not previously submitted, or objections not previously made to the Commission, any explanation as to why such objections were not made or such papers not submitted to the Commission; and it is

ORDERED that the petitioner's reply in support of the petition shall be filed on or before December 22, 2009; and it is

FURTHER ORDERED that if the petitioner believes that a hearing on this matter is necessary, it shall include an explanation for that position in the reply to be filed on or before December 22, 2009; and it is

ORDERED that, pursuant to Federal Rule of Civil Procedure 81(a)(5), this is a summary proceeding and no party shall be entitled to discovery without further order of the court upon a specific showing of need, and 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 a showing of good cause; and it is

FURTHER ORDERED that, pursuant to Federal Rule of Civil Procedure 81(a)(5), a certified copy of this Order and copies of the petition and the memorandum in support thereof shall be served forthwith by the petitioner upon the respondent or its counsel by personal service, certified or registered mail with return receipt requested, or overnight express delivery service.

SO ORDERED.

RICARDO M. URBINA
United States District Judge