

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____		)
FEDERAL TRADE COMMISSION,		)
		)
	Plaintiff,	)
v.		)
		)
BRISTOL-MYERS SQUIBB COMPANY,		)
		)
	Defendant.	)
_____		)

Civ. No. **09 0576**

**FINAL JUDGMENT**

Plaintiff, Federal Trade Commission, having commenced this civil action by filing its Complaint herein for alleged violations of an Order issued by the Federal Trade Commission on April 14, 2003, in FTC Docket No. C-4076 (the "Order") and for alleged violations of Subtitle B of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. Law 108-173 Stat. 2461 (Dec. 8, 2003), and Defendant, Bristol-Myers Squibb Company ("BMS"), having agreed to the entry of this Final Judgment in settlement of disputed claims without trial or adjudication of any issue of fact or law herein and without any admission by Defendant as to the facts alleged, other than jurisdictional facts:

NOW, THEREFORE, prior to the taking of any testimony, civil discovery, and without trial or adjudication of any issue of fact or of law herein, and upon the consent of the parties hereto, it is hereby

ORDERED, ADJUDGED, AND DECREED as follows:

**I.**

This Court has jurisdiction of the subject matter herein and of each of the parties consenting hereto. The Complaint asserts a claim upon which relief can be granted against Defendant under Sections 5(l) and 16(a)(1) of the Federal Trade Commission Act, 15 U.S.C. §§ 45(l) and 56(a)(1), and the Complaint asserts a claim upon which relief can be granted against Defendant under Section 1115 of Title XI, Subtitle B of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. Law 108-173 Stat. 2461 (Dec. 8 2003) and Section 16(a)(1) of the Federal Trade Commission Act, 15 U.S.C. § 56(a)(1).

**II.**

Judgment is hereby entered in favor of the Plaintiff, Federal Trade Commission, and against the Defendant as alleged in the Complaint in this action. Defendant shall comply with the provisions of this Final Judgment.

**III.**

Defendant shall pay to the United States a civil penalty in the amount of two million and one hundred thousand United States dollars (\$2,100,000.00), which shall be paid and delivered in the following manner:

- A. Payment shall be made within thirty (30) days after entry of this Final Judgment;

- B. Payment shall be made by wire transfer of funds to the US Federal Trade Commission pursuant to instructions provided by Plaintiff; and
- C. In the event of a default or delay in payment, interest at the rate of eighteen (18) percent per annum shall accrue thereon from the date of the default or delay to the date of payment.

**IV.**

Each party shall bear its own costs of the within action.

**V.**

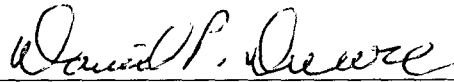
Entry of this Final Judgment is in the public interest.

**VI.**

By their attached signatures hereto, the parties agree to the entry of this Final Judgment.

FEDERAL TRADE  
COMMISSION

By:



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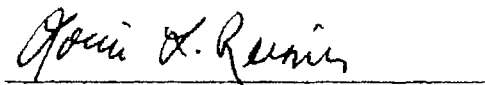
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Bristol-Myers Squibb Company,  
a Delaware corporation  
By:

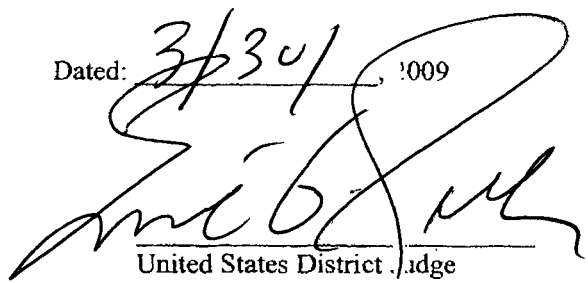


General Counsel



Lorin L. Reisner, Esq.  
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Dated: 3/30/, 2009



United States District Judge