

**UNITED STATES OF AMERICA
THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of

Caremark Rx, LLC,

Zinc Health Services, LLC,

Express Scripts, Inc.,

Evernorth Health, Inc.,

Medco Health Services, Inc.,

Ascent Health Services LLC,

OptumRx, Inc.,

OptumRx Holdings, LLC, and

Emisar Pharma Services LLC,

Respondents.

Docket No. 9437

**COMPLAINT COUNSEL'S NOTICE REGARDING OPPOSITION TO
RESPONDENTS' MOTIONS FOR SEPARATE EVIDENTIARY HEARINGS**

On November 4, 2024, Complaint Counsel filed an Opposition to Respondents' Motions for Separate Evidentiary Hearings. In its opposition, Complaint Counsel mistakenly relied on *FTC v. Syngenta Crop Prot. AG*, 711 F. Supp. 3d 545 (M.D.N.C. 2024), as an example of an FTC case brought against multiple defendants for engaging in similar anticompetitive conduct without any allegation of an unlawful agreement between the defendants. Complaint Counsel now withdraws its reliance on *Syngenta* for the purposes of its opposition.

Dated: November 8, 2024

Respectfully submitted,

/s/ Rebecca Egeland
Rebecca Egeland

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Counsel Supporting the Complaint

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2024, I caused the foregoing document to be filed electronically using the FTC's E-Filing System, which will send notification of such filing to:

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Chief Administrative Law Judge
Federal Trade Commission
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*Secretary of the Commission
Clerk of the Court*

Administrative Law Judge

I also certify that I caused the foregoing document to be served via email to:

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