

**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 UNOPPOSED MOTION TO REMOVE CERTAIN
REDACTIONS FROM THE PUBLIC COMPLAINT**

Complaint Counsel respectfully moves for an order removing certain redactions from the public version of the Complaint, as specified by the specific text highlighted in red in Exhibit A. All Respondents have represented that they do not oppose this motion.

The public version of the Complaint as initially filed contains many redactions requested by the Respondents. Complaint Counsel met and conferred with Respondents on multiple occasions to discuss removing certain redactions from the public Complaint that do not mask “privileged, competitively sensitive information, or sensitive personal information.” *See* Protective Order Governing Confidential Material, Docket No. 9437, Attachment A at ¶ 1. The

PUBLIC RECORD

parties subsequently agreed to remove the redactions highlighted in red in Exhibit A. The bolded, bracketed material that is not highlighted in Exhibit A would remain redacted in the public Complaint.¹

Complaint Counsel's motion would remove most redactions from the Complaint, commensurate with the Commission's longstanding recognition of a "substantial public interest in holding all aspects of adjudicative proceedings . . . open to all interested persons." *See, e.g., In re Altria Grp. Inc.*, 2021 FTC LEXIS 66, at *4 (May 26, 2021) (Chappell, J.) (quoting *In re H. P. Hood & Sons*, 1961 FTC LEXIS 368, at *5-6 (Mar. 14, 1961)); *see also In re Asbury Auto. Grp. Inc.*, 2024 FTC LEXIS 132, at *11 (Oct. 4, 2024) (stating the same regarding Complaint Counsel's motion to remove complaint redactions (citing *Hood*, 1961 FTC LEXIS 368, at *5-6)).

For the foregoing reasons, Complaint Counsel respectfully requests that the Court grant this motion to remove from the public Complaint the redactions highlighted in red by Exhibit A.

Dated: November 22, 2024

Respectfully submitted,

/s/ Rebecca L. Egeland

Rebecca L. Egeland

Evan J. Cartagena

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Counsel Supporting the Complaint

¹ Exhibit A represents a compromise between the parties intended to avoid burdening the Court and taxpayers' funds with needless motions practice. It does not represent Complaint Counsel's agreement that any of the remaining redacted material in the Complaint contains competitively sensitive information or that the material is suitable for *in camera* treatment.

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Emisar Pharma Services LLC,
Respondents.

Docket No. 9437

**[Proposed] ORDER GRANTING COMPLAINT COUNSEL'S UNOPPOSED MOTION
TO REMOVE CERTAIN REDACTIONS FROM THE PUBLIC COMPLAINT**

On November 22, 2024, Complaint Counsel filed a Motion to Remove Certain Redactions from the Public Complaint. Exhibit A to Complaint Counsel's Motion identifies in red highlighting the redactions that Complaint Counsel proposes to remove. Complaint Counsel represents that Respondents do not oppose the Motion. Accordingly, Complaint Counsel's Motion to Remove Certain Redactions from the Public Complaint is **GRANTED**.

SO ORDERED.

Dated:

D. Michael Chappell
Chief Administrative Law Judge

CONFERENCE STATEMENT

Complaint Counsel conferred in good faith with counsel for the Respondents to resolve the issues raised by the motion and reached the agreement described above.

/s/ Rebecca L. Egeland _____
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I hereby certify that on November 22, 2024, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

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The Honorable D. Michael Chappell
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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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EXHIBIT A

Confidential – Redacted In Entirety