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**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**

Docket No. 9437

Respondents.

**UNOPPOSED MOTION OF NON-PARTY ELEVANCE HEALTH
FOR EXTENSION OF TIME TO MOVE TO QUASH OR LIMIT
SUBPOENAS *DUCES TECUM***

Non-party Elevance Health (“Elevance”), by and through its undersigned counsel, files this motion pursuant to Rules 3.22, 3.34(c), and 4.3(b) of the FTC’s Rules of Practice for Adjudicative Proceedings to extend the time to move to quash or limit the subpoenas *duces tecum* (the “Subpoenas”) served by Respondents Caremark Rx, LLC and Zinc Health Services, LLC (collectively “Caremark and Zinc”) on December 11, 2024, and served by Respondents OptumRx, Inc., OptumRx Holdings, LLC, and Emisar Pharma Services LLC (collectively

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“OptumRx”) on December 16, 2024. Counsel for Caremark and Zinc and counsel for OptumRx do not oppose the requested relief.

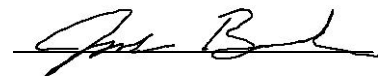
On December 11, 2024, counsel for Caremark and Zinc served its subpoena on Elevance, with a return date of January 10, 2025. On December 17, 2024, counsel for Elevance and counsel for Caremark and Zinc held the initial meet-and-confer via video conference and began negotiating the scope of the subpoena and Elevance’s response. On December 16, 2024, counsel for OptumRx served its subpoena on Elevance, with a return date of January 16, 2025. On December 17, 2024, counsel for OptumRx represented via email that OptumRx would consolidate discussions on the scope of its subpoena with Caremark and Zinc.

Elevance requests an extension of the deadline to move to quash or limit the Subpoenas until February 10, 2025, so that Elevance can continue negotiating with Caremark and Zinc and OptumRx in an effort to potentially narrow or limit the scope of the Subpoenas. The proposed order granting the extension is attached to this motion.

This motion does not waive Elevance’s right to seek further extension of the deadline in the future.

Dated: December 23, 2024

Respectfully submitted,



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OptumRx Holdings, LLC, and
Emisar Pharma Services LLC**

Docket No. 9437

Respondents.

**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION OF NON-PARTY
ELEVANCE HEALTH FOR EXTENSION OF TIME
TO MOVE TO QUASH OR LIMIT SUBPOENAS *DUCES TECUM***

On December 23, 2024, Elevance Health (“Elevance”) filed an unopposed joint motion to extend its time to move to quash or limit the subpoenas for production of documents served by (1) Respondents Caremark Rx, LLC and Zinc Health Services, LLC (collectively “Caremark and Zinc”) on December 11, 2024, and (2) Respondents OptumRx, Inc., OptumRx Holdings, LLC, and Emisar Pharma Services LLC (collectively “OptumRx”) on December 16, 2024.

Under FTC Rule 3.34(c), any motion to limit or quash a subpoena must be filed within ten days of receipt of the subpoena. 16 C.F.R. § 3.34(c). The Administrative Law Judge may extend any time limit prescribed by the rules “[f]or good cause shown.” 16 C.F.R. § 4.3(b).

Elevance has demonstrated good cause for the extension requested in the motion. Counsel for Elevance has conducted an initial meet-and-confer with counsel for Caremark and Zinc concerning the response to the subpoenas, and Elevance states that the extension will allow

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Elevance to continue negotiating the Subpoenas. Accordingly, the unopposed motion is GRANTED, and it is hereby ORDERED that Elevance's deadline for filing any motion to quash or limit the Subpoenas is extended to February 10, 2025.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Dated: December _____, 2024.

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CERTIFICATE OF CONFERENCE

Counsel for non-party Elevance Health conferred with counsel for Respondents Caremark Rx, LLC and Zinc Health Services, LLC and counsel for OptumRx, Inc., OptumRx Holdings, LLC, and Emisar Pharma Services LLC and counsel reached the agreement described in the motion.



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CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2024, I filed a true and correct copy of the foregoing document via the FTC's e-filing system. A notification of such filing was sent by email to:

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The Honorable D. Michael Chappell
Administrative Law Judge
600 Pennsylvania Ave., NW, Rm. H-110
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I further certify that I delivered a copy of the foregoing document via email to:

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Dated: December 23, 2024

Respectfully submitted,

*/s/ Soyoun Yasuda*_____

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