

**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**

**UNOPPOSED MOTION OF NON-PARTY MCDONALD’S CORPORATION  
FOR EXTENSION OF TIME TO MOVE TO QUASH OR LIMIT SUBPOENA  
DUCES TECUM**

Non-party McDonald’s Corporation (“McDonald’s”), by and through its undersigned counsel, hereby moves, pursuant to Rules 3.22, 3.34(c), and 4.3(b) of the FTC’s Rules of Practice, to extend McDonald’s time, until January 22, 2025, to move to quash or limit the Subpoena *Duces Tecum* (“Subpoena”) served upon McDonald’s on December 13, 2024, by Caremark Rx, LLC and Zinc Health Services, LLC, (collectively the “Caremark Respondents”). The Caremark Respondents have been consulted and do not oppose this extension request.

The Caremark Respondents served McDonald's with the Subpoena on December 13, 2024, with a response date of January 10, 2025. Pursuant to Rule 3.34(c), the deadline for McDonald's to move to limit or quash the Subpoena is December 23, 2024.

In parallel to the Subpoena, McDonald's is negotiating responses to a subpoena received from Complaint Counsel for the Federal Trade Commission (the "FTC Subpoena"). McDonald's has already reviewed thousands of documents and produced more than 800 documents in response to the FTC Subpoena. McDonald's anticipates producing more documents in early January 2025, copying all of these productions to the FTC and the other Respondents in this matter.

McDonald's and the Caremark Respondents have discussed that they will meet and confer as to the scope of the Subpoena and McDonald's response to it after the Christmas holiday. McDonald's has asked the Caremark Respondents to first review the documents produced pursuant to the FTC Subpoena and then reissue a subpoena seeking any additional documents it needs or else limit the current subpoena accordingly. McDonald's asks this to properly balance the burden placed on non-party McDonald's with the needs of the parties. This is particularly true concerning the Caremark Respondents, as Caremark Rx, LLC functioned as McDonald's pharmacy benefits manager during the time period for which it seeks documents, such that it should have many of the requested documents. These and other options will be the subject of the agreed upon meet-and-confer discussions to occur.

McDonald's requests an extension of the deadline for McDonald's to move to limit or quash the Subpoena so that counsel for McDonald's and the Caremark Respondents may have this discussion and so that McDonald's can complete its production pursuant to the FTC Subpoena. The Caremark Respondents do not oppose this request.

Pursuant to the October 23, 2024, Scheduling Order, the parties have until June 6, 2025,

to complete fact discovery. As such, the requested extension will not delay the progress of these proceedings.

McDonald's therefore respectfully request that Your Honor grant the requested relief pursuant to 16 C.F.R. § 4.3(b), for good cause shown.

Dated: December 23, 2024

/s/ Robert M. Andalman

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

**Docket No. 9437**

**[PROPOSED] ORDER GRANTING MOTION FOR EXTENSION OF TIME TO MOVE  
TO QUASH OR LIMIT SUBPOENA *DUCES TECUM***

On December 23, 2024, non-party McDonald’s Corporation (“McDonald’s”) filed an Unopposed Motion For Extension of Time to Move to Quash or Limit Subpoena *Duces Tecum* (“Subpoena”) served on McDonald’s by the Caremark Respondents in the above-captioned proceeding on December 13, 2024.

Under FTC Rule of Practice 3.34(c), any motion to limit or quash a subpoena must be

filed within the earlier of ten days of service of the subpoena or the time for compliance therewith. McDonald's seeks an extension of time in order to continue their discussions about the terms of the Subpoena.

FTC Rule 4.3(b) authorizes the Administrative Law Judge, except in circumstances not here presented, to extend any time limit prescribed by the rules "[f]or good cause shown." 16 C.F.R. § 4.3(b). Based on the representations in the Motion, McDonald's has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is hereby ORDERED that McDonald's deadline for filing any motion to limit or quash the Subpoena pursuant to Rule 3.34(c) is extended to January 22, 2025.

ORDERED:

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D. Michael Chappell  
Chief Administrative Law Judge

Dated: \_\_\_\_\_, 2024.

**CERTIFICATE OF SERVICE AND ELECTRONIC FILING**

I hereby certify that on the 23rd day of December 2024, I mailed via the U.S. Postal Service and UPS, and sent via email, the foregoing document to:

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I hereby certify that on December 23, 2024, I caused the foregoing document to be served via email to:

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Dated: December 23, 2024

Respectfully submitted,

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