

**UNITED STATES OF AMERICA
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 FOR EXTENSION OF TIME FOR NON-PARTY
MERCER (US) LLC TO MOVE TO LIMIT OR QUASH SUBPOENA**

Non-party Mercer (US) LLC (“Mercer”), by and through its undersigned counsel, moves pursuant to Rules 3.22, 3.34, and 4.3(b) of the Federal Trade Commission’s Rules of Practice for Adjudicative Proceedings to extend the time to move to quash or limit the subpoena *duces tecum* (the “Subpoena”) served by Respondents Caremark Rx, LLC and Zinc Health Services, LLC (“Respondents”) in the above-captioned proceeding. Mercer respectfully requests that the deadline to file a motion to quash or limit the subpoena be extended by 25 days from December 23, 2025 to January 17, 2025. Counsel for Respondents indicated they do not oppose the requested relief.

On December 11, 2024, Respondents' counsel served the Subpoena with a return date of January 10, 2025. Pursuant to Rule 3.34(c), Mercer has ten days from the date of service to move to limit or quash the Subpoena. Given the date of service (December 11) and the tenth day after service falling on a Saturday (December 21), Mercer's current deadline to file a motion to limit or quash the Subpoena is December 23, 2024.

On Thursday, December 19, 2024, Mercer's counsel and Respondents' counsel met by videoconference. During that videoconference, counsel agreed that an extension would allow the meet-and-confer process to continue. Granting the proposed extension will allow counsel to continue negotiating in good faith in an effort to narrow or limit any disputes. Respondents' counsel also indicated during the December 19 videoconference that Respondents do not oppose this motion.

This motion is made in good faith and not for purposes of delay. Mercer has not requested any previous extensions. Moreover, given the current fact discovery deadline of June 6, 2025, granting this requested extension will not delay the progress of this proceeding.

Accordingly, and for good cause shown, Mercer respectfully requests that its deadline to move to limit or quash the Subpoena be extended until January 17, 2025. A proposed order granting the requested relief is attached hereto as Exhibit A.

Mercer makes this motion without prejudice to its right to seek further extensions.

Dated: December 23, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE AND ELECTRONIC FILING

I hereby certify that on December 20, 2024, pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), I caused the foregoing document to be filed electronically with the Federal Trade Commission using the FTC's E-Filing system, and a notification of such filing with a courtesy copy of the foregoing documents was sent by email to:

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Office of the Secretary Federal Trade
Commission
600 Pennsylvania Avenue, NW
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Washington, DC 20580
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580
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I further certify that on December, 2024, I caused the foregoing document to be served via email to the following:

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Dated: December 23, 2024

Respectfully submitted,

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Exhibit A

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and

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Docket No. 9437

**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION
FOR EXTENSION OF TIME FOR NON-PARTY
MERCER (US) LLC TO MOVE TO LIMIT OR QUASH SUBPOENA**

On December 23, 2024, non-party Mercer (US) LLC (“Mercer”) filed an unopposed motion requesting entry of an order extending Mercer’s deadline to file a motion to quash or limit the subpoena *duces tecum* (“Subpoena”) served by Respondents Caremark Rx, LLC and Zinc Health Services, LLC on Mercer until and including January 17, 2025.

Upon consideration of the motion and for good cause shown, the unopposed motion is GRANTED; and it is hereby ORDERED that the deadline for Mercer to file a motion to limit or quash the Subpoena is hereby extended until and including January 17, 2025.

This order is without prejudice to Mercer's right to seek further extensions of the deadline in the future.

ORDERED:

D. Michael Chappell
Administrative Law Judge

Dated: December ____, 2024