

**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 Express Scripts, Inc.; Evernorth Health, Inc.; Medco Health Services, Inc.; and Ascent Health Services LLC (“ESI 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 30 days from January 9, 2025 to January 17, 2025.

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On December 30, 2024, ESI Respondents' counsel served the Subpoena to counsel by email with a return date of January 18, 2025. Pursuant to Rule 3.34(c), Mercer has ten days from the date of service to move to limit or quash the Subpoena. Thus, Mercer's current deadline to file a motion to limit or quash the Subpoena is January 9, 2025.

ESI Respondents' counsel does not oppose this motion. Granting the proposed extension will allow counsel for Mercer, ESI Respondents, and other Respondents to continue negotiating in good faith in an effort to narrow or limit any disputes about the subpoenas issued to Mercer.

This motion is made in good faith and not for purposes of delay. Mercer has not requested any previous extensions regarding the Subpoena. 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: January 9, 2025

Respectfully submitted,

**THOMPSON HINE LLP**

/s/ J. Timothy McDonald  
J. Timothy McDonald  
Two Alliance Center  
3560 Lenox Road, Suite 1600  
Atlanta, GA 30326  
Tel.: 404-407-3623  
[Tim.McDonald@ThompsonHine.com](mailto:Tim.McDonald@ThompsonHine.com)

Brittain Shaw  
1919 M Street, N.W.

PUBLIC

Suite 700  
Washington, DC 20036  
Tel.: 202-263-4154  
[Brittain.Shaw@ThompsonHine.com](mailto:Brittain.Shaw@ThompsonHine.com)

Mark R. Butscha, Jr.  
3900 Key Center  
127 Public Square  
Cleveland, Ohio 44114  
Tel.: 216.566.5500  
[Mark.Butscha@ThompsonHine.com](mailto:Mark.Butscha@ThompsonHine.com)

*Counsel for Non-party Mercer (US) LLC*

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**CERTIFICATE OF SERVICE AND ELECTRONIC FILING**

I hereby certify that on January 9, 2025, 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:

April Tabor  
Office of the Secretary Federal Trade  
Commission  
600 Pennsylvania Avenue, NW  
Suite CC-5610  
Washington, DC 20580  
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell  
Administrative Law Judge  
600 Pennsylvania Ave., NW, Rm. H-110  
Washington, DC 20580  
oalj@ftc.gov

I further certify that on January 9, 2025, I caused the foregoing document to be served via email to the following:

Rebecca Egeland  
Nicholas Leefer  
Armine Black  
Amanda Triplett  
Kelly McCluer  
Alpa G. Davis  
Lauren Peay  
Andrew Kennedy  
Cindy Hong  
Bradley S. Albert  
Evan J. Cartagena  
Brian Morganelli  
Christine Tasso  
Maribeth Petrizzi  
Jennifer Lee  
Jamie Towey  
Jacqueline Mendel  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
regeland@ftc.gov  
nleefer@ftc.gov

PUBLIC

ablack1@ftc.gov  
atriplett@ftc.gov  
kmcluer@ftc.gov  
adavis@ftc.gov  
lpeay@ftc.gov  
akennedy@ftc.gov  
chong@ftc.gov  
balbert@ftc.gov  
ecartagena@ftc.gov  
bmorganelli@ftc.gov  
ctasso@ftc.gov  
mpetrizzi@ftc.gov  
jlee@ftc.gov  
jtowey@ftc.gov  
jmendel@ftc.gov

*Complaint Counsel*

Charles F. (“Rick”) Rule  
Justin T. Heipp  
Daniel J. Howley  
Margot Campbell  
Derek W. Moore  
Rule Garza Howley LLP  
901 7th St NW, Suite 600  
Washington, DC 20001  
Tel.: (202) 846-8092  
rule@rulegarza.com  
heipp@rulegarza.com  
howley@rulegarza.com  
campbell@rulegarza.com  
moore@rulegarza.com

Jennifer Milici  
John W. O’ Toole  
Perry Lange  
Wilmer Cutler Pickering Hale and Dorr LLP  
2100 Pennsylvania Avenue NW  
Washington, DC 20037  
Tel: (202) 663  
-6000  
Jennifer.Milici@wilmerhale.com  
john.o’toole@wilmerhale.com  
perry.lange@wilmerhale.com

*Counsel for Respondents Express Scripts, Inc.; Evernorth Health, Inc.; Medco Health*

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*Services, Inc.; and Ascent Health Services L.L.C.*

Michael Cowie  
Rani Habash  
Gregory Luib  
Elena Kamenir  
Nathan Richardson  
Kaitlyn Marasi  
Dechert LLP  
1900 K Street NW  
Washington, DC 20006  
Tel: 202-261-3339  
mike.cowie@dechert.com  
rani.habash@dechert.com  
gregory.luib@dechert.com  
elena.kamenir@dechert.com  
nathan.richardson@dechert.com  
kaitlyn.marasi@dechert.com

Tony Leyh  
Dechert LLP  
Cira Centre 2929  
Arch Street  
Philadelphia, PA 19104  
Tel: 215-994-4000  
tony.leyh@dechert.com

Enu Mainigi  
Craig Singer  
Steven Pyser  
Jonathan B. Pitt  
Williams & Connolly LLP  
680 Maine Ave. SW  
Washington, D.C. 20024  
Tel.: 202-434-5000  
emainigi@wc.com  
csinger@wc.com  
spyser@wc.com  
jpitt@wc.com

*Counsel for Respondents Caremark Rx, LLC and Zinc Health Services, LLC*

Michael J. Perry  
Sophia A. Hansell  
Matthew S. Rozen  
Gibson Dunn & Crutcher LLP

PUBLIC

1700 M. St. NW  
Washington, DC 20036  
Tel: (202) 955-8500  
MJPerry@gibsondunn.com  
SHansell@gibsondunn.com  
MRozen@gibsondunn.com

Matthew C. Parrott  
Gibson Dunn & Crutcher LLP  
3161 Michelson Drive, Suite 120  
Irvine, CA 92612  
Tel: (949) 451-3823  
MParrott@gibsondunn.com

Thomas Tyson  
Gibson Dunn & Crutcher LLP  
One Embarcadero Center Suite 2600  
San Francisco, California 94111  
Tel: (415) 497-0667  
TTyson@gibsondunn.com

Samuel Liversidge  
Gibson Dunn & Crutcher LLP  
333 South Grand Avenue  
Los Angeles, CA 90071  
Tel: (213) 229-7420  
SLiversidge@gibsondunn.com

Ben A. Sherwood  
Gibson Dunn & Crutcher LLP  
200 Park Avenue  
New York, New York 10166  
Tel: (212) 351-2671  
BSherwood@gibsondunn.com

*Attorneys for Respondents OptumRx, Inc.; OptumRx Holdings, LLC; and Emisar Pharma Services LLC*

Dated: January 9, 2025

Respectfully submitted,

**THOMPSON HINE LLP**

/s/ J. Timothy McDonald

J. Timothy McDonald

Two Alliance Center

PUBLIC

3560 Lenox Road, Suite 1600  
Atlanta, GA 30326  
Tel.: 404-407-3623  
[Tim.McDonald@ThompsonHine.com](mailto:Tim.McDonald@ThompsonHine.com)

Brittain Shaw  
1919 M Street, N.W.  
Suite 700  
Washington, DC 20036  
Tel.: 202-263-4154  
[Brittain.Shaw@ThompsonHine.com](mailto:Brittain.Shaw@ThompsonHine.com)

Mark R. Butscha, Jr.  
3900 Key Center  
127 Public Square  
Cleveland, Ohio 44114  
Tel.: 216.566.5500  
[Mark.Butscha@ThompsonHine.com](mailto:Mark.Butscha@ThompsonHine.com)

*Counsel for Mercer (US) LLC*



# Exhibit A

**UNITED STATES OF AMERICA  
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and

Emisar Pharma Services LLC,

Respondents.

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 30, 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.

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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:

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D. Michael Chappell  
Administrative Law Judge

Dated: January \_\_\_\_, 2025