

**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

**AGREED MOTION OF NON-PARTY MCDONALD’S CORPORATION
FOR SECOND 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 February 12, 2025, to move to quash or limit the Subpoena *Duces Tecum* (“Subpoena”) served upon McDonald’s on December 13, 2024, by Caremark Rx, LLC (“Caremark”) and Zinc Health Services, LLC (“Zinc”). This would be the second extension provided to the parties so that they have an opportunity to work through any issues with the

Subpoena. Caremark and Zinc have been consulted and have agreed to this motion. In further support, McDonald's states as follows:

Caremark and Zinc 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 was initially December 23, 2024. On December 23, 2024, McDonald's appeared in this matter and moved for an extension to move to quash or limit Caremark and Zinc's subpoena to January 22, 2025. That motion was granted on December 27, 2024.

McDonald's first met and conferred with Caremark and Zinc about the scope of the Subpoena on December 26, 2024. Since that time the parties have continued to meet and confer in an attempt to come to agreement on the scope of the Subpoena.

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 1,000 documents in response to the FTC Subpoena.

McDonald's and Caremark and Zinc have discussed the scope of the Subpoena, and Caremark and Zinc have been reviewing what McDonald's has produced pursuant to the FTC Subpoena to determine what, if any, additional production is in fact required by Caremark and Zinc, balancing the corresponding burden on McDonald's. McDonald's here requests an extension of the deadline for McDonald's to move to limit or quash the Subpoena so that Caremark and Zinc can complete that review and counsel for McDonald's and Caremark and Zinc may continue this discussion. This will further provide McDonald's time to complete its production pursuant to the FTC Subpoena and for Caremark and Zinc to review that additional production as well. Caremark

and Zinc were consulted and agree to 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, extending to February 12, 2025, the deadline by which McDonald's would have to file a motion to limit or quash the Subpoena.

Dated: January 20, 2025

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

On January 20, 2025, non-party McDonald's Corporation ("McDonald's") filed an Agreed Motion For Extension of Time to Move to Quash or Limit Subpoena *Duces Tecum* ("Subpoena") served on McDonald's by Caremark Rx, LLC and Zinc Health Services, LLC in the above-captioned proceeding on December 13, 2024.

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 February 12, 2025.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Dated: _____, 2025.

CERTIFICATE OF SERVICE AND ELECTRONIC FILING

I hereby certify that on January 20, 2025, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of filing to:

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I hereby certify that on January 20, 2025, I caused the foregoing document to be served via email to:

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Dated: January 20, 2025

Respectfully submitted,

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