

**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 FURTHER EXTENSION OF TIME FOR NON-PARTY
MERCER (US) LLC TO MOVE TO LIMIT OR QUASH SUBPOENAS**

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 subpoenas *duces tecum* served by Respondents Caremark Rx, LLC and Zinc Health Services, LLC (“Caremark/Zinc Subpoena”) and Express Scripts, Inc.; Evernorth Health, Inc.; Medoc Health Services, Inc.; and Ascent Health Services LLC (“ESI Subpoena”) in the above-captioned proceeding. Mercer respectfully requests that the deadline to file a motion to quash or limit these subpoenas be

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extended from January 31, 2025 until February 17, 2025. Caremark/Zinc Respondents and ESI Respondents do not oppose the requested relief.

The Caremark/Zinc Subpoena was served on December 11, 2024, and the ESI Subpoena was served on December 30, 2024. Pursuant to Rule 3.34(c), Mercer's deadline to file a motion to limit or quash the Caremark/Zinc Subpoena was December 23, 2024, and its deadline to file a motion to limit or quash the ESI Subpoena was January 9, 2025. This Court granted Mercer's unopposed motions to extend those deadlines and set a deadline of January 17, 2025, for Mercer to move to limit or quash the subpoenas. Subsequently, this Court granted Mercer's unopposed motion to further extend those deadlines and set a new deadline of January 31, 2025.

Mercer has produced documents in response to the subpoenas, and counsel for Mercer, counsel for Caremark/Zinc Respondents, and counsel for ESI Respondents have continued communicating about Mercer's response to the subpoenas. Counsel for Caremark/Zinc Respondents and counsel for ESI Respondents both indicated that they do not oppose the extension sought in this motion. Granting the proposed extension will allow counsel to continue negotiating in good faith in an effort to narrow or limit any disputes. This motion is made in good faith and not for purposes of delay. 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 February 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 31, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE AND ELECTRONIC FILING

I hereby certify that on January 31, 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:

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Commission
600 Pennsylvania Avenue, NW
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ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge
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I further certify that on January 31, 2025, I caused the foregoing document to be served via email to the following:

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Dated: January 31, 2025

Respectfully submitted,

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Exhibit A

**UNITED STATES OF AMERICA
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Emisar Pharma Services LLC,

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

On January 31, 2025, 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 subpoenas *duces tecum* (“Subpoenas”) served by Respondents Caremark Rx, LLC; Zinc Health Services, LLC; Express Scripts, Inc.; Evernorth Health, Inc.; Medoc Health Services, Inc.; and Ascent Health Services LLC on Mercer until and including February 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 Subpoenas is hereby extended until and including February 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: January ____, 2025