

**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**

**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 February 12, 2025, to move to quash or limit the Subpoena *Duces Tecum* (“Subpoena”) served upon McDonald’s on January 21, 2025, by Express Scripts, Inc., Evernorth Health, Inc., Medco Health Services, Inc., and Ascent Health Services LLC (the “ESI Respondents”).

The ESI Respondents served McDonald’s with the Subpoena on January 21, 2025, with

a response date of February 18, 2025. Pursuant to Rule 3.34(c), the deadline for McDonald's to move to limit or quash the Subpoena is January 31, 2025.

In parallel to the Subpoena, McDonald's has responded to a subpoena received from Complaint Counsel for the Federal Trade Commission (the "FTC Subpoena"). McDonald's has completed its production pursuant to the FTC Subpoena after reviewing thousands of documents and producing more than 1,300 documents. McDonald's has also received a subpoena in this matter from Caremark Rx, LLC and Zinc Health Services, LLC (collectively, the "Caremark Respondents"). McDonald's and the Caremark Respondents have agreed that they will meet and confer after those respondents have reviewed McDonald's response to the FTC Subpoena to determine what else, if anything, is required by them. By a January 21, 2025, Order of the Chief Administrative Law, the current deadline for McDonald's to move to quash or limit the Caremark subpoena has been set at February 12 in order to allow that procedure to be completed.

On January 23, 2025, McDonald's suggested this same approach and schedule to the ESI Respondents. On January 27, 2025, they agreed to proceeding in this manner on the same schedule as the Caremark Respondents. This properly balances the burden placed on non-party McDonald's with the needs of the parties.

Accordingly, McDonald's requests an extension of the deadline for McDonald's to move to limit or quash the Subpoena so that the ESI Respondents have time to review the McDonald's production and meet and confer after that review, consistent with the schedule that has been approved as to the Caremark Respondents.

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: January 31, 2025

*/s/ Robert M. Andalman*

Robert M. Andalman

Rachael Blackburn

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**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 January 31, 2025, non-party McDonald's Corporation ("McDonald's") filed a Motion For Extension of Time to Move to Quash or Limit Subpoena *Duces Tecum* ("Subpoena") served on McDonald's by the ESI Respondents in the above-captioned proceeding on January 21, 2025.

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 February 12, 2025.

ORDERED:

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D. Michael Chappell  
Chief Administrative Law Judge

Dated: \_\_\_\_\_, 2025.

**CERTIFICATE OF SERVICE AND ELECTRONIC FILING**

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

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Dated: January 31, 2025

Respectfully submitted,

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