

**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 subpoenas *duces tecum* served by Respondents OptumRx, Inc.; OptumRx Holdings, LLC; and Emisar Pharma Services LLC (“Optum Subpoena”) in the above-captioned proceeding. Mercer respectfully requests that the deadline to file a motion to quash or limit these subpoenas be extended from February 24, 2025 until March 18, 2025. Optum Respondents do not oppose the requested relief.

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Mercer accepted service of the Optum Subpoena on February 13, 2025. Pursuant to Rule 3.34(c), Mercer's deadline to file a motion to limit or quash the Optum Subpoena is February 24, 2025. Mercer has produced documents in response to the Optum Subpoena, and counsel for Mercer and counsel for Optum Respondents have communicated about Mercer's response to the subpoenas. Counsel for Optum Respondents indicated that Optum Respondents do not oppose the extension sought in this motion, and Mercer has not requested nor been granted any previous extension with respect to the Optum Subpoena. 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 Optum Subpoena be extended until March 18, 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: February 25, 2025

Respectfully submitted,

THOMPSON HINE LLP

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CERTIFICATE OF SERVICE AND ELECTRONIC FILING

I hereby certify that on February 25, 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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600 Pennsylvania Avenue, NW
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The Honorable D. Michael Chappell
Administrative Law Judge
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I further certify that on February 25, 2025, I caused the foregoing document to be served via email to the following:

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Dated: February 25, 2025

Respectfully submitted,

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

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 on Mercer by Respondents OptumRx, Inc.; OptumRx Holdings, LLC; and Emisar Pharma Services LLC until and including March 18, 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 March 18, 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: February ____, 2025