

**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 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* (collectively, the “Subpoenas”) served by Respondents Caremark Rx, LLC and Zinc Health Services, LLC (“Caremark/Zinc Subpoena”); Express Scripts, Inc., Evernorth Health, Inc., Medco Health Services, Inc., and Ascent Health Services LLC (“ESI Subpoena”); and 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 the Subpoenas be extended from March 18, 2025 until April 17, 2025. Respondents do not oppose the requested relief.

This Court previously granted requests by Mercer to extend the deadlines under Rule 3.34(c) for Mercer to move to limit or quash the Subpoenas. The current such motion deadline for all the Subpoenas is March 18, 2025.

Mercer has produced documents in response to the Subpoenas, and counsel for Mercer and counsel for Respondents have communicated about Mercer's response to the Subpoenas. Counsel for Respondents indicated that Respondents do not oppose the extension sought in this motion. Granting the proposed extension will allow counsel to continue negotiating 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 April 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: March 18, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE AND ELECTRONIC FILING

I hereby certify that on March 18, 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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Office of the Secretary Federal Trade
Commission
600 Pennsylvania Avenue, NW
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Washington, DC 20580
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580
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I further certify that on March 18, 2025, I caused the foregoing document to be served via email to the following:

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Dated: March 18, 2025

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Exhibit A

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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 SUBPOENAS**

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* (“Subpoena”) served by Respondents until and including April 17, 2025.

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 April 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: March ____, 2025