

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Andrew N. Ferguson, Chairman
Melissa Holyoak

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.

DOCKET NO. 9437

ORDER STAYING ADMINISTRATIVE ADJUDICATION

On March 31, 2025, Complaint Counsel and Respondents jointly moved for an expedited order staying this administrative proceeding, citing the fact that there are currently no sitting Commissioners able to participate in this matter. Commissioners Ferguson and Holyoak are both recused. The parties have asked the General Counsel to rule on their motion, pursuant to the delegation of authority in Commission Rule 0.7(b), 16 C.F.R. § 0.7(b).

Under Rule 0.7(b), the Commission delegates its functions to the General Counsel when the Commission lacks a quorum, no Commissioner is available or participating, and either (1) no party or intervenor would be adversely affected by the delegated action and entitled to seek review by the Commission or (2) all adversely affected parties or intervenors have waived the right to Commission review. 16 C.F.R. 0.7(b). In this proceeding, the Commission lacks a quorum, no Commissioner is participating, and the parties have jointly submitted a Proposed

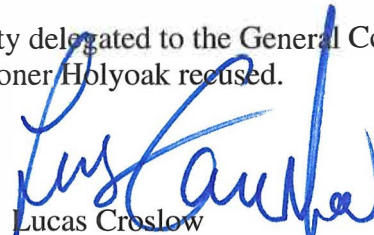
Order setting out the terms of their requested stay and have waived their right to Commission review of the motion. The General Counsel may therefore act on the present motion pursuant to the delegation of Commission functions in Rule 0.7(b). Accordingly,


IT IS HEREBY ORDERED THAT the Joint Expedited Motion to Stay the Part 3 Adjudicative Proceedings is **GRANTED**;

IT IS FURTHER ORDERED THAT the Part 3 adjudicative proceeding is hereby stayed. This stay shall remain in effect for a minimum of 105 days. After 105 days, the stay may be lifted by the Commission upon motion by one or more of the parties in the proceeding. The parties will engage in good faith discussions on any proposed timing on when the stay would be lifted and the ultimate hearing date. Upon one or more parties filing a motion to lift the stay, the parties will engage in good faith discussions on scheduling fact depositions; and

IT IS FURTHER ORDERED THAT that the date of the evidentiary hearing shall be set 225 days from the date the stay is lifted.

By the Commission, pursuant to the authority delegated to the General Counsel by 16 C.F.R. § 0.7(b), Chairman Ferguson and Commissioner Holyoak recused.


Lucas Croslow
General Counsel


April J. Tabor
Secretary

SEAL:

ISSUED: April 1, 2025