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UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of

Caremark Rx, LLC, *et al.*,

Respondents.

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Docket No. 9437

ORDER SETTING:

(1) STATUS CONFERENCE; AND

(2) DATES FOR NON-PARTIES TO MOVE

TO QUASH OR LIMIT OUTSTANDING SUBPOENAS

The Commission's April 1, 2025 Order Staying Administrative Adjudication stayed proceedings in this case "for a minimum of 105 days." The Commission has since lifted the stay. Order, dated August 27, 2025.

Accordingly, it is hereby **ORDERED** that:

I. Status Conference and Agenda

A. A conference will be held on September 5, 2025, at 10:00 a.m., Eastern Time. The conference will be conducted by videoconference and stenographically recorded.

B. To the extent practicable, members of the press and public are permitted to access the conference via a public call-in number. Interested parties

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are directed to check the Office of Public Affairs section of the FTC's website or contact the FTC's Office of Public Affairs for call-in information.

C. At the beginning of the conference, Complaint Counsel will have 10 minutes to present an overview of the case. The Respondents may, if they wish, select one of their counsel to present a responding overview, limited to 5 minutes. Each individual Respondent group will have 5 minutes to present an overview of individual matters, if any. Complaint Counsel will have 10 minutes in total to reply to all individual Respondent group presentations.

D. In addition, the parties are directed to confer in advance of the conference and to be prepared to address:

1. The current status of any pending or anticipated motions;
2. Steps taken to preserve evidence relevant to the issues raised by the claims and defenses;
3. The scope of both completed and anticipated discovery, any limitations on discovery, and any proposed discovery plan, including the disclosure of electronically stored information and the schedule of proceedings going forward.
4. Potential structuring of the evidentiary hearing, such as the possibility of hearing evidence at trial concerning common matters the case presents independent of those matters concerning individual Respondent groups.
5. Issues that can be narrowed by agreement or by motion, suggestions to expedite the presentation of evidence at trial, and other possible steps that may aid

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in the just and expeditious disposition of the proceeding and to avoid unnecessary cost.

E. A proposed pre-hearing schedule will be distributed before the conference.

II. Extension of Non-Party Discovery Deadlines

As of April 1, 2025, when the Commission’s Stay Order took effect, this Court had extended the time of the following three non-parties to move to quash or limit subpoenas for production of documents served on them to dates that fell after April 1:

Non-party	Extension Order	Deadline As Extended
Kaiser Foundation Health Plan, Inc	March 31, 2025	April 17, 2025
Elevance Health	March 26, 2025	April 14, 2025
Mercer (US) LLC	March 19, 2025	April 17, 2025

The stay that began on April 1, 2025 suspended, but did not discharge, the time of the three subpoenaed non-parties to move to quash or limit their respective subpoenas. With the stay now lifted, that suspension is no longer in effect. Under FTC Rule 4.3(b), the Administrative Law Judge may, except in circumstances not here presented, extend any time deadline “[f]or good cause shown”—here that arising from the grant and subsequent lifting of the stay in this case.

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Accordingly, it is hereby **ORDERED** that:

A. The time for each of the three non-parties identified above to move to quash or limit their respective subpoenas is extended to and including September 16, 2025.

B. Upon receiving this Order, counsel who subpoenaed one or more of these non-parties must send a copy by email to the non-party or its counsel and, if email notification is unavailable or otherwise ineffective, by hard copy, via overnight delivery, to the last known address for the non-party or its counsel.

C. If Complaint Counsel or any Respondent is aware of any other non-party who had been served with a subpoena for production of documents or other discovery request as of April 1, 2025, and whose date either to respond or to move to quash or limit the subpoena or other discovery was during the period in which the stay was in effect, they shall promptly meet and confer with the non-party to establish a new deadline. As part of the meet and confer process, a copy of this Order must be furnished to the non-party. If agreement on a deadline cannot be reached, an appropriate motion may be made.

ORDERED:

Jay L. Himes _____

Jay L. Himes
Administrative Law Judge

Date: August 29, 2025