

**PUBLIC**

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **Andrew N. Ferguson, Chairman**  
                                 **Melissa Holyoak**  
                                 **Mark R. Meador**

**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**

**Expedited Treatment Requested**

**JOINT EXPEDITED MOTION FOR EXTENSION OF TIME  
TO SUBMIT MOTION TO DISMISS BRIEFING**

Pursuant to 16 C.F.R. §§ 4.3 and 3.22, Complaint Counsel and Respondents 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 (collectively, “the parties”) jointly move the Commission to extend the time for motion to dismiss briefing.

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1. On August 29, 2025, Respondents filed a motion to dismiss pursuant to Rule 3.22.
2. Under Rule 3.22(d), an opposition to “any written motion,” including a motion to dismiss, is generally due “[w]ithin 10 days after service” and reply “shall be filed within 5 days after service of the last answer to that motion.” 16 C.F.R. § 3.22(d).
3. The Commission, however, may extend these deadlines for good cause. *Id.*; 16 C.F.R. § 4.3(b).
4. Good cause exists for the Commission to grant the parties’ joint request for extensions “[t]o ensure that the parties can fully address all relevant issues arising from” Respondents’ motion to dismiss and Complaint Counsel’s opposition. *N. C. Bd. of Dental Examiners*, 150 F.T.C. 849 (2010).
5. Accordingly, the parties jointly move the Commission to enter the following briefing schedule:
  - September 19, 2025—Complaint Counsel’s opposition to Respondents’ motion to dismiss due;
  - September 30, 2025—Respondents’ reply to Complaint Counsel’s opposition due.
6. Given the quick turnaround for the opposition and reply, the parties respectfully request expedited resolution of this motion.

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Dated: September 3, 2025

Respectfully submitted,

/s/ Rebecca L. Egeland

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**Respondents.**

**Docket No. 9437**

**[PROPOSED] ORDER**

**IT IS HEREBY ORDERED THAT** the parties' Joint Expedited Motion for Extension of Time to Submit Motion to Dismiss Briefing is **GRANTED**;

**IT IS FURTHER ORDERED** that Complaint Counsel's opposition to Respondents' motion to dismiss is due September 19, 2025;

**IT IS FURTHER ORDERED** that Respondents' reply to Complaint Counsel's opposition to Respondents' motion to dismiss is due September 30, 2025.

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By the Commission, Commissioner Holyoak recused.

Dated: \_\_\_\_\_

\_\_\_\_\_  
April J. Tabor,  
Secretary

**PUBLIC****CERTIFICATE OF SERVICE**

I hereby certify that on September 3, 2025, I caused the foregoing document to be filed electronically using the FTC's E-Filing System, which will send notification of such filing to:

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The Honorable Jay L. Himes  
Administrative Law Judge  
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*Secretary of the Commission  
Clerk of the Court*

*Administrative Law Judge*

I certify that no portion of the filing was drafted by generative artificial intelligence ("AI") (such as ChatGPT, Microsoft Copilot, Harvey.AI, or Google Gemini). I also certify that I caused the foregoing document to be served via email to:

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