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**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., Medoc 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-

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captioned proceeding. Mercer respectfully requests that the deadline to file a motion to quash or limit the Subpoenas be extended from December 4, 2025 until December 19, 2025. Respondents do not oppose the requested relief.

On March 19, 2025, this Court granted Mercer's requests to extend the deadlines under Rule 3.34(c) for Mercer to move to limit or quash the Subpoenas until April 17, 2025. On April 1, 2025, however, this proceeding was stayed. The stay was lifted on August 27. Subsequently, this Court extended Mercer's deadline until September 16 and then until October 16.

In the meantime, the Commission stayed this proceeding, effective October 1, because of the federal government shutdown. As of that date, Mercer's deadline to move to limit or quash the Subpoenas was October 16, which means Mercer had 15 days before the deadline at the time the stay began. This proceeding remained stayed through November 19. Accounting for the 15 days remaining when the stay began, Mercer's current deadline is December 4, 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 progress and productions already made and the current fact discovery deadline of December 22, 2025 (a date that presumably will be adjusted because of the stay necessitated by the shutdown), 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 Subpoenas be extended until December 19, 2025. A proposed order granting the requested relief is attached hereto as Exhibit A.

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Mercer makes this motion without prejudice to its right to seek further extensions.

Dated: December 4, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE AND ELECTRONIC FILING

I hereby certify that on December 4, 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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The Honorable D. Michael Chappell
Administrative Law Judge
600 Pennsylvania Ave., NW, Rm. H-110
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I further certify that on December 4, 2025, I caused the foregoing document to be served via email to the following:

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Dated: December 4, 2025

Respectfully submitted,

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Exhibit A

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**UNITED STATES OF AMERICA
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OptumRx Holdings, LLC,

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**

On September 16, 2025, non-party Mercer (US) LLC (“Mercer”) filed an unopposed motion to further extend its time to move to quash or limit three subpoenas for production of documents (the “Subpoenas”) served on Mercer by Respondents Caremark Rx, LLC and Zinc Health Services, LLC (collectively “Caremark Respondents”); by Respondents Express Scripts, Inc., Evernorth Health, Inc., Medco Health Services, Inc., and Ascent Health Services LLC

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(collectively “ESI Respondents”); and by Respondents OptumRx, Inc., OptumRx Holdings, LLC and Emisar Pharma Services LLC (collectively “OptumRx Respondents”) (“Motion”).

Under FTC Rule 3.34(c), any motion to limit or quash a subpoena must be filed within ten days of receipt of the subpoena. 16 C.F.R. § 3.34(c). Pursuant to FTC Rule 4.3(b), the Administrative Law Judge, except in circumstances not here presented, may extend any time limit prescribed by the rules “[f]or good cause shown.” 16 C.F.R. § 4.3(b).

Based on the representations in the Motion, Mercer has demonstrated good cause for the requested extensions. Accordingly, the Motion is GRANTED and it is hereby ORDERED that Mercer’s deadline for filing any motion to quash or limit the Subpoenas is further extended until December 19, 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: December 4, 2025