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**UNITED STATES OF AMERICA
THE 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.

Docket No. 9437

**NONPARTY ELI LILLY AND COMPANY'S UNOPPOSED MOTION TO EXTEND
THE DEADLINE TO FILE MOTIONS TO QUASH AND/OR LIMIT SUBPOENAS *AD*
TESTIFICANDUM**

Pursuant to Rules 3.22, 3.34(c), and 4.3(b) of the FTC's Rules of Practice, nonparty Eli Lilly and Company files this motion to extend the deadline to move to quash and/or limit subpoenas *ad testificandum*. Lilly requests until December 22, 2025, to move to quash and/or limit deposition subpoenas served by Respondents. Respondents have been consulted and represented that they do not oppose the requested relief.

On December 5, Respondents served subpoenas *ad testificandum* noticing the depositions of Lilly current employees Frank Cunningham, Corty Rotterman, and Joanne Sellner; former Lilly employees Enrique Conterno and Michael Mason; and Lilly under Rule 3.33(c). Lilly requests—and Respondents do not oppose—an order extending Lilly's deadline to file motions to quash and/or limit the subpoenas to December 22, 2025. Lilly and Respondents have had preliminary

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discussions about the burden, relevance, and timing of the subpoenaed depositions. The extension will allow Lilly and Respondents to continue their discussions about the subpoenas in an effort to resolve any objections to the subpoenas without resort to motion practice.

A proposed Order granting this extension is attached to this motion.

Dated: December 11, 2025

Respectfully submitted,

By: /s/ Margaret T. Segall

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and
Emisar Pharma Services LLC.

Docket No. 9437

**[PROPOSED] ORDER GRANTING NONPARTY ELI LILLY AND COMPANY'S
UNOPPOSED MOTION TO EXTEND THE DEADLINE TO FILE MOTIONS TO
QUASH AND/OR LIMIT SUBPOENAS *AD TESTIFICANDUM***

On December 11, 2025, nonparty Eli Lilly and Company filed an Unopposed Motion to Extend the Deadline to File Motions to Quash and/or Limit Subpoenas *Ad Testificandum* served on Enrique Conterno, Frank Cunningham, Michael Mason, Cory Rotterman, Joanne Sellner, and Lilly by Respondents Caremark Rx, LLC, Zinc Health Services, LLC, Express Scripts, Inc., Evernorth Health, Inc., Medco Health Services, Inc., Ascent Health Services LLC, Optum Rx, Inc., OptumRx Holdings, LLC, and Emisar Pharma Services LLC on December 5, 2025.

Lilly's motion requests an extension of the applicable deadline to file motions to quash and/or limit the subpoenas served by Respondents under FTC Rule 3.34 until December 22, 2025. Lilly states that the requested extension will allow Lilly and Respondents to discuss the subpoenas

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and attempt to resolve any objections to the subpoenas without the need for motion practice. Lilly further states that Respondents do not oppose Lilly's requested extension of time.

Based on the foregoing, the motion is GRANTED, and it is hereby ORDERED that the deadline for Lilly to file any motion to quash or limit the subpoenas served by Respondents is extended through and including December 22, 2025.

ORDERED

Date: December __, 2025

Jay L. Himes
Administrative Law Judge

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CONFERENCE STATEMENT

Counsel for Nonparty Eli Lilly and Company conferred in good faith with Respondents to resolve the issues raised by the motion and reached the agreement described above.

Dated: December 11, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 11 day of December 2025, I filed the foregoing document electronically using the FTC's E-filing System, which will send notification of filing to:

April Tabor
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Federal Trade Commission
600 Pennsylvania Ave., NW, Rm H-113
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The Honorable Jay L. Himes
Office of Administrative Law Judges
Federal Trade Commission
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I hereby certify that on December 11, 2025, I caused the foregoing document to be served via email to:

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Dated: December 11, 2025

Respectfully submitted,

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