

**PUBLIC**

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

---

In the Matter of )  
Caremark Rx, LLC, *et al.*, ) Docket No. 9437  
Respondents. )  
\_\_\_\_\_  
)

**ORDER REGARDING JOINT STATUS REPORT #1**

A video conference will be convened to address the following matter arising from the parties' Joint Status Report #1.

Matter 1: Caremark's production of financial documents.

Matter 2: Caremark's withholding documents for relevance.

Matter 3: ESI's clawback of certain financial documents.

Matter 4: Optum's production of financial documents.

Matter 5: Complaint Counsel's 3.33(c) deposition time for Optum witness(es).

Matter 6: Complaint Counsel's Responses to Respondents' Interrogatories.

Matter 7: Complaint Counsel's Response to Interrogatory 11 of OptumRx's Second Set of Interrogatories.

Matter 8: See below.

Matter 9 (added): Complaint Counsel's Amended Responses and Objections to OptumRx Interrogatories.

**PUBLIC**

1. The parties are **DIRECTED** to confer and, by no later than 5:00 p.m. on January 22, to propose, in order of preference, the following dates for the conference: January 29, 30 or February 2. The conference will begin at 9.30 a.m. and continue through to completion of consideration of each of the Matters set forth above.

2. Except as provided in paragraph 4 below, by no later than 5:00 p.m. on the date two days prior to the date set for the conference, the parties may **SUBMIT** individual statements setting forth their position on each Matter. Each individual statement must be no longer than 300 words, excluding caption, title, signature block, and certificate of service.

a. Where a Matter raises a dispute in which one or more Respondents are interested, only one statement will be submitted jointly on behalf of all interested Respondents.

b. Where a Matter raises a dispute in which only one Respondent is interested, only that Respondent will submit a statement.

3. Where essential to understanding the dispute, the parties **MAY SUBMIT** a joint set of one or more exhibits that accompany the individual Matter statements. Materials submitted must include only relevant excerpts, and may, where appropriate to focus attention, be highlighted in yellow.

4. The Court has received the OptumRx Respondents' Motion to Compel Interrogatory Responses, which the Court understands to cover Matters 6 and 7 in the Joint Status Report. Complaint Counsel must respond to that motion in

**PUBLIC**

accordance with the FTC Rules of Practice. No papers on the motion should be submitted under paragraph 2 of this Order. The parties are **DIRECTED** to refrain from filing any additional motions relating to Matters 1 through 9 pending the conference to be scheduled and further Order of the Court.

5. Regarding Matter 8—Sanofi's response to certain requests in Complaint Counsel's SDT—Complaint Counsel must confer with counsel for Sanofi and, by no later than January 23—propose, in order of preference, the following dates for the conference: February 4, 5, or 6. The video conference will begin at 9.30 a.m. and continue through to completion of consideration of the Matter. Paragraphs 2 (excluding subparagraphs 2.a and 2.b) and 3 will apply to Matter 8. Complaint Counsel will provide counsel for Sanofi with a copy of this Order.

6. By no later than the date provided in paragraphs 1 and 2, the parties must advise the Court of any Matters that have been resolved.

**ORDERED:**

Jay L. Himes

Jay L. Himes  
Administrative Law Judge

Date: January 20, 2026