

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

**COMMISSIONERS: Andrew N. Ferguson, Chairman
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

**Complaint Counsel’s and Respondents’ Joint Expedited Motion to
Extend the Stay of Administrative Proceeding**

Complaint Counsel and Respondents Caremark Rx, LLC, Zinc Health Services LLC, Optum Rx, Inc., Optum Rx Holdings LLC, and Emisar Pharma Services LLC (collectively, the “Respondents”) jointly request to extend the stay of the Part 3 administrative proceeding. As grounds for this request, Complaint Counsel and Respondents state the following:

1. On January 20, 2026, on the joint motion of Complaint Counsel and Express Scripts, Inc., Evernorth Health, Inc., Medco Health Services, Inc., Ascent Health Services, LLC

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(collectively, “ESI”), this matter was withdrawn from adjudication with respect to ESI under Rule 3.25(c), 16 C.F.R. § 3.25(c), for the purpose of considering a proposed consent agreement.

2. On January 21, 2026, on the joint motion of Complaint Counsel and Respondents, and for good cause shown, 16 C.F.R. §§ 3.41(b), 4.3, the Commission stayed this proceeding for 14 days until February 5, 2026, and extended the evidentiary hearing date, oral argument date, and all discovery, filing, and decision deadlines by 14 days.

3. On January 30, 2026, the Commission issued an order stating that “[i]n the event that a lapse in appropriations results in a shutdown of most Commission operations,” this proceeding shall “be fully stayed for the duration of the shutdown and for an additional five business days thereafter.”

4. On January 31, 2026, a lapse in appropriations resulted in a partial government shutdown requiring the Commission to cease regular operations.

5. On February 3, 2026, Congress restored appropriations to the Commission and it has resumed regular operations.

6. In accordance with the Commission’s January 30, 2026 order, the stay in this case is scheduled to expire on February 10, 2026.

7. Complaint Counsel and Respondents now jointly move to extend the stay of the administrative proceeding for 21 days from February 10, 2026, and correspondingly adjust all deadlines, including the evidentiary hearing date and oral argument date. Complaint Counsel has begun parallel settlement discussions with Respondents. This extension of the stay will provide time for the parties to continue these discussions and determine whether there is an opportunity to resolve this proceeding.

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8. Complaint Counsel and Respondents respectfully request the Commission's expedited treatment of this motion.

9. A draft of a proposed order granting the requested motion is attached.

Dated: February 9, 2026

Respectfully submitted,

/s/ Rebecca L. Egeland

/s/ Steven Pyser

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Emisar Pharma Services LLC*

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[PROPOSED] ORDER

Having considered the joint expedited motion of Complaint Counsel and Respondents Caremark Rx, LLC, Zinc Health Services LLC, Optum Rx, Inc., Optum Rx Holdings LLC, and Emisar Pharma Services LLC (collectively, the “Respondents”) to extend the stay of the administrative proceeding,

IT IS HEREBY ORDERED THAT Complaint Counsel’s and Respondents’ Joint Expedited Motion to Extend the Stay of Administrative Proceeding is **GRANTED**.

IT IS FURTHER ORDERED THAT the stay of the administrative proceeding is hereby extended as to all Respondents through March 3, 2026.

IT IS FURTHER ORDERED THAT the evidentiary hearing in this proceeding currently set for July 1, 2026 is rescheduled to commence on July 30, 2026, at 10:00 a.m. Given the change in dates, the parties may later move the Commission for a change in date if this creates conflicts.

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IT IS FURTHER ORDERED THAT all pre-hearing and decision deadlines in this proceeding are hereby extended by additional 21 days.

IT IS FURTHER ORDERED THAT the oral argument on the Respondents' Motion to Dismiss Pursuant to Rule 3.22, previously set for February 5, 2026, is hereby rescheduled for March 10, 2026, at the same time and place.

By the Commission.

April J. Tabor
Secretary

ISSUED: _____

PUBLIC**CERTIFICATE OF SERVICE**

I hereby certify that on February 9, 2026, I caused the foregoing document to be filed electronically using the FTC's E-Filing System, which will send notification of such filing to:

April Tabor
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*Secretary of the Commission
Clerk of the Court*

The Honorable Jay L. Himes
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW
Room H-110
Washington, DC 20580
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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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