

**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 Optum Respondents’ Joint Expedited Motion to
Extend the Stay of Administrative Proceeding**

Complaint Counsel and Respondents Optum Rx, Inc., Optum Rx Holdings LLC, and Emisar Pharma Services LLC (collectively, the “Optum Respondents”) jointly request to extend the stay of the Part 3 administrative proceeding. As grounds for this request, Complaint Counsel and the Optum 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(collectively, “ESI”), this matter was withdrawn from adjudication with respect to ESI under Rule 3.25(c), 16 C.F.R. § 3.25(c), for the purpose of considering a proposed consent agreement.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. On February 3, 2026, Congress restored appropriations to the Commission.

5. On February 11, 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 extended the stay of this proceeding for 21 days until March 3, 2026, and extended the evidentiary hearing date, oral argument date, and all discovery, filing, and decision deadlines by an additional 21 days.

6. On March 3, 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 further extended the stay of this proceeding for 21 days until March 24, 2026, extended the evidentiary hearing date, and all discovery, filing, and decision deadlines by an additional 21 days, and rescheduled the oral argument to April 17, 2026 .

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7. Pursuant to Rules 3.25(b) and (c) of the Commission's Rules of Practice, 16 C.F.R. § 3.25 (b), (c), Complaint Counsel and Respondents Caremark Rx, LLC and Zinc Health Services LLC (collectively, the "Caremark Respondents") have moved the Commission to withdraw this matter from adjudication under Docket No. 9437 with respect to the Caremark Respondents for the purpose of allowing the Commission to consider a proposed consent agreement with the Caremark Respondents that would resolve the matter before the Commission in its entirety with respect to the Caremark Respondents.

8. Complaint Counsel and Optum Respondents now jointly move to extend the stay of the administrative proceeding for an additional 21 days and correspondingly adjust all deadlines, including the evidentiary hearing date and oral argument date. Extending the Part 3 proceeding as to all Respondents is necessary to ensure that the proceeding can continue in an orderly fashion—in the event the Commission and the Caremark Respondents are unable to resolve the Caremark Respondents' participation in the case, they will need to rejoin the litigation; and in the event the Commission and the Caremark Respondents are able to reach resolution, discovery may need to be adjusted to reflect their absence. This extension of the stay will also provide time to progress settlement discussions with the Optum Respondents and to determine whether there is an opportunity to resolve this proceeding with respect to the Optum Respondents.

9. Complaint Counsel and Optum Respondents respectfully request the Commission's expedited treatment of this motion, given the current stay will expire on March 24, 2026.

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

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Dated: March 23, 2026

Respectfully submitted,

/s/ Rebecca L. Egeland

/s/ Michael J. Perry

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Emisar Pharma Services LLC*

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Docket No. 9437

[PROPOSED] ORDER

On March 23, 2026, Complaint Counsel and Respondents Optum Rx, Inc., Optum Rx Holdings LLC, and Emisar Pharma Services LLC (collectively, the “Optum Respondents”) jointly moved to extend the stay of the administrative proceeding for 21 days from March 24, 2026, and correspondingly adjust all deadlines, including the evidentiary hearing date.

Having considered the joint expedited motion of Complaint Counsel and Optum Respondents to extend the stay of the administrative proceeding,

IT IS HEREBY ORDERED THAT Complaint Counsel’s and Optum 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 April 14, 2026.

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IT IS FURTHER ORDERED THAT the evidentiary hearing in this proceeding currently set for August 20, 2026 is rescheduled to commence on September 10, 2026, at 10:00 a.m.

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 April 17, 2026, is hereby rescheduled for May 8, 2026, at 10:00 a.m.

IT IS FURTHER ORDERED THAT the Commission's deadline for ruling on the Motion to Dismiss is extended to July 7, 2026.

By the Commission.

April J. Tabor
Secretary

ISSUED: _____

PUBLIC**CERTIFICATE OF SERVICE**

I hereby certify that on March 23, 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
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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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