

**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  
Stay the Administrative Proceeding**

Complaint Counsel and Respondents Optum Rx, Inc., Optum Rx Holdings LLC, and Emisar Pharma Services LLC (collectively, the “Optum Respondents”) jointly request a 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

(collectively, “ESI”), this matter was withdrawn from adjudication with respect to ESI under Rule 3.25(c), 16 C.F.R. § 3.25(c), for the purpose of considering a proposed consent agreement.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. Since then, this administrative proceeding has been stayed numerous times to provide the remaining parties the opportunity to negotiate a settlement.

3. On March 23, 2026, on the joint motion of Complaint Counsel and Respondents Caremark Rx, LLC and Zinc Health Services LLC (collectively, “Caremark”), this matter was withdrawn from adjudication with respect to Caremark under Rule 3.25(c), 16 C.F.R. § 3.25(c), for the purpose of considering a proposed consent agreement.

4. On March 26, 2026, and April 17, 2026, on the joint motion of Complaint Counsel and Optum Respondents, and for good cause shown, 16 C.F.R. §§ 3.41(b), 4.3, the Commission further extended the stay of this proceeding.

5. On April 29, 2026, the stay of the administrative proceeding lapsed and litigation resumed. The parties, however, simultaneously continued to negotiate a settlement and now believe they are close to reaching an agreement. Thus, Complaint Counsel and Optum Respondents jointly move to stay of the administrative proceeding for 14 days and correspondingly adjust all deadlines, including the evidentiary hearing date and oral argument date. This stay will provide time to finalize a signed proposed consent agreement.

6. Complaint Counsel and Optum Respondents respectfully request the Commission’s expedited treatment of this motion, given oral argument on Respondents’ Motion to Dismiss is just days away.

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

Dated: May 19, 2026

/s/ Rebecca L. Egeland

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*Counsel Supporting the Complaint*

Respectfully submitted,

/s/ Michael J. Perry

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*Attorneys for Respondents OptumRx,  
Inc.; OptumRx Holdings, LLC; and  
Emisar Pharma Services LLC*

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**Emisar Pharma Services LLC,**

**Respondents.**

**Docket No. 9437**

**[PROPOSED] ORDER**

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 June 2, 2026.

**IT IS FURTHER ORDERED THAT** the evidentiary hearing in this proceeding currently set for September 24, 2026 is rescheduled to commence on October 8, 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 14 days.

**IT IS FURTHER ORDERED THAT** the oral argument on the Respondents' Motion to Dismiss Pursuant to Rule 3.22, previously set for May 26, 2026, is hereby rescheduled for June 9, 2026, at 2:00 p.m.

**IT IS FURTHER ORDERED THAT** the Commission's deadline for ruling on the Motion to Dismiss is extended to August 10, 2026.

By the Commission.

\_\_\_\_\_  
April J. Tabor  
Secretary

ISSUED: \_\_\_\_\_

## CERTIFICATE OF SERVICE

I hereby certify that on May 19, 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  
Office of the Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Room H-113  
Washington, DC 20580  
ElectronicFilings@ftc.gov

*Secretary of the Commission  
Clerk of the Court*

The Honorable Jay L. Himes  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
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OALJ@ftc.gov

*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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