

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.

DOCKET NO. 9437

**ORDER SCHEDULING ORAL ARGUMENT, EXTENDING DEADLINE FOR
COMMISSION RULING, AND RESCHEDULING COMMENCEMENT OF
EVIDENTIARY HEARING**

On August 29, 2025, Respondents jointly moved to dismiss the complaint. *See* Respondent’s Motion to Dismiss Pursuant to Rule 3.22 (“Motion to Dismiss”). Complaint Counsel filed an Opposition to the dismissal, and Respondents have submitted a Reply.

On December 2, 2025, Complaint Counsel and Respondents jointly moved the Commission to reschedule the hearing date from April 8, 2026, to June 17, 2026, due to the stay of this action necessitated by the recent government shutdown.

On December 2, 2025, Respondents Caremark Rx, LLC and Zinc Health Services LLC (“Caremark and Zinc”) moved on an expedited basis to withdraw the matter from adjudication

(“Motion to Withdraw from Adjudication”). Complaint Counsel filed an opposition on December 15, 2025.

After a careful review of the parties’ submissions, we have determined that oral argument on the Motion to Dismiss would be beneficial. Accordingly, oral argument is scheduled for January 22, 2026, at 2:00 p.m. in Hearing Room 532 of the Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Each side will have 45 minutes to present its argument. Respondents, as movants, will open the argument and may reserve time for rebuttal.

Due to the scheduling of oral argument, the Commission extends the deadline for ruling on the Motion to Dismiss to March 23, 2026. *See* 16 C.F.R. §§ 3.22(a), 4.3(b).

In light of the delay caused by the government shutdown, the evidentiary hearing in this proceeding will be rescheduled to begin on June 17, 2026. *See* 16 C.F.R. §§ 3.11(a)(4), 4.3(b).

With respect to the Motion to Withdraw from Adjudication, we are denying the request for expedited treatment. The Commission will address the Motion to Withdraw from Adjudication separately in due course.

Accordingly,

IT IS HEREBY ORDERED that the Commission will conduct oral argument regarding the Motion to Dismiss on January 22, 2026, as specified above;

IT IS FURTHER ORDERED that the Commission’s deadline for ruling on the Motion to Dismiss is extended to March 23, 2026; and

IT IS FURTHER ORDERED that Complaint Counsel’s and Respondents’ Joint Motion for a New Hearing Date is hereby **GRANTED**, and the evidentiary hearing in this proceeding before an Administrative Law Judge of the Federal Trade Commission will commence on June 17, 2026, at 10:00 a.m.

By the Commission.



April J. Tabor
Secretary

SEAL:
ISSUED: December 18, 2025