

PUBLIC

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

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

Respondents.

**UNOPPOSED MOTION OF NON-PARTY ELEVANCE HEALTH
FOR EXTENSION OF TIME TO MOVE TO QUASH OR LIMIT
SUBPOENA DUCES TECUM**

Non-party Elevance Health (“Elevance”), by and through its undersigned counsel, files this motion pursuant to Rules 3.22, 3.34(c), and 4.3(b) of the FTC’s Rules of Practice for Adjudicative Proceedings to extend the time to move to quash or limit the subpoena *duces tecum* (the “Subpoena”) served by Respondents Express Scripts, Inc., Evernorth Health, Inc., Medco Health Services, Inc., and Ascent Health Services LLC (collectively “ESI Respondents”) on December 31, 2024. Counsel for ESI Respondents does not oppose the requested relief.

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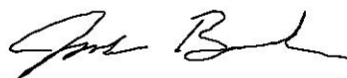
On December 31, 2024, counsel for ESI Respondents served its subpoena on Elevance, with a return date of January 18, 2025. On January 1, 2025, counsel for ESI Respondents represented via email that ESI Respondents would consolidate discussions on the scope of its subpoena with other respondents in this matter.

Elevance requests an extension of the deadline to move to quash or limit the Subpoena until February 10, 2025, so that Elevance can continue negotiating with ESI Respondents in an effort to potentially narrow or limit the scope of the Subpoena. The proposed order granting the extension is attached to this motion.

This motion does not waive Elevance's right to seek further extension of the deadline in the future.

Dated: January 6, 2025

Respectfully submitted,



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Counsel for Non-Party Elevance Health

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Docket No. 9437

Respondents.

**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION OF NON-PARTY
ELEVANCE HEALTH FOR EXTENSION OF TIME
TO MOVE TO QUASH OR LIMIT SUBPOENA DUCES TECUM**

On January 6, 2025, Elevance Health (“Elevance”) filed an unopposed joint motion to extend its time to move to quash or limit the subpoena for production of documents served by Respondents Express Scripts, Inc., Evernorth Health, Inc., Medco Health Services, Inc., and Ascent Health Services LLC (collectively “ESI Respondents”) on December 31, 2024.

Under FTC Rule 3.34(c), any motion to limit or quash a subpoena must be filed within ten days of receipt of the subpoena. 16 C.F.R. § 3.34(c). The Administrative Law Judge may extend any time limit prescribed by the rules “[f]or good cause shown.” 16 C.F.R. § 4.3(b).

Elevance has demonstrated good cause for the extension requested in the motion. Counsel for Elevance has conducted an initial meet-and-confer with counsel for ESI Respondents concerning the response to the subpoena, and Elevance states that the extension will allow Elevance to continue negotiating the Subpoena. Accordingly, the unopposed motion is

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GRANTED, and it is hereby ORDERED that Elevance's deadline for filing any motion to quash or limit the Subpoena is extended to February 10, 2025.

ORDERED:


D. Michael Chappell
Chief Administrative Law Judge

Dated: January _____, 2025

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CERTIFICATE OF CONFERENCE

Counsel for non-party Elevance Health conferred with counsel for Respondents Express Scripts, Inc., Evernorth Health, Inc., Medco Health Services, Inc., and Ascent Health Services LLC, and counsel reached the agreement described in the motion.



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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2025, I filed a true and correct copy of the foregoing document via the FTC's e-filing system. A notification of such filing was sent by email to:

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Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
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Washington, DC 20580
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580
oyalj@ftc.gov

I further certify that I delivered a copy of the foregoing document via email to:

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Dated: January 6, 2025

Respectfully submitted,

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