

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

EXPRESS SCRIPTS, INC., et al.,

Plaintiffs,

v.

FEDERAL TRADE COMMISSION, et al.,

Defendants.

Case No. 4:24-cv-01549-MTS

**NOTICE OF APPEAL  
TO THE U.S. COURT OF APPEALS FOR THE EIGHTH CIRCUIT**

Notice is hereby given that all Plaintiffs—Express Scripts, Inc.; Evernorth Health, Inc.; Ascent Health Services LLC; Medco Health Services, Inc.; Caremark Rx, L.L.C.; Zinc Health Services, LLC; OptumRx, Inc.; OptumRx Holdings, LLC; and Emisar Pharma Services LLC—appeal to the U.S. Court of Appeals for the Eighth Circuit from the order denying Plaintiffs’ motion for a preliminary injunction, entered in this action on February 18, 2025 (ECF No. 59). That order is attached hereto as **Exhibit 1**.

Dated: February 21, 2025

Matthew S. Rozen (*pro hac vice*)  
GIBSON, DUNN & CRUTCHER LLP  
1700 M Street NW  
Washington, D.C. 20036  
Tel: (202) 955-8500  
mrozen@gibsondunn.com

Theodore J. Boutrous Jr. (*pro hac vice*)  
Samuel Liversidge (*pro hac vice*)  
300 South Grand Avenue  
Los Angeles, CA 90071  
Tel: (213) 229-7420  
TBoutrous@gibsondunn.com  
SLiversidge@gibsondunn.com

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

Enu Mainigi (*pro hac vice*)  
Craig Singer (*pro hac vice*)  
Steven Pyser (*pro hac vice*)  
WILLIAMS & CONNOLLY LLP  
680 Maine Avenue, S.W.  
Washington, DC 20005  
Tel: (202) 434-5000  
emainigi@wc.com  
csinger@wc.com  
spyser@wc.com

Michael Cowie (*pro hac vice*)  
Rani Habash (*pro hac vice*)  
DECHERT LLP  
1900 K Street NW  
Washington, DC 20006  
Tel: (202) 261-3300  
mike.cowie@dechert.com  
rani.habash@dechert.com

*Attorneys for Caremark Rx, L.L.C. and  
Zinc Health Services, LLC*

Respectfully submitted,

By: /s/ Christopher A. Smith  
Sarah C. Hellmann, #50373MO  
Christopher A. Smith, #53266MO  
HUSCH BLACKWELL LLP  
8001 Forsyth Ave., Suite 1500  
St. Louis, MO 63105  
Tel: (314) 480-1500  
sarah.hellmann@huschblackwell.com  
chris.smith@huschblackwell.com

Jennifer Milici (*pro hac vice*)  
Perry A. Lange (*pro hac vice*)  
Kevin M. Lamb (*pro hac vice*)  
John W. O'Toole (*pro hac vice*)  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
2100 Pennsylvania Ave NW  
Washington, D.C. 20037  
Tel: (202) 663-6000  
Jennifer.Milici@wilmerhale.com  
Perry.Lange@wilmerhale.com  
Kevin.Lamb@wilmerhale.com  
John.O'Toole@wilmerhale.com

Charles F. Rule (*pro hac vice*)  
Daniel J. Howley (*pro hac vice*)  
Derek W. Moore (*pro hac vice*)  
RULE GARZA HOWLEY LLP  
901 Seventh Street, NW  
Suite 600  
Washington, D.C. 20001  
Tel: (202) 843-9280  
rule@rulegarza.com  
howley@rulegarza.com  
moore@rulegarza.com

*Attorneys for Express Scripts, Inc.,  
Evernorth Health, Inc., Ascent Health  
Services LLC, and Medco Health Services,  
Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on February 21, 2025, the foregoing was filed electronically with the Clerk of Court, to be served by operation of the Court's electronic filing system upon all counsel of record.

By: /s/ Christopher A. Smith