

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02340-RJL**

UNITED STATES OF AMERICA et al v. CVS HEALTH CORPORATION et al
Assigned to: Judge Richard J. Leon
Cause: 15:1 Antitrust Litigation

Date Filed: 10/10/2018
Jury Demand: None
Nature of Suit: 410 Anti-Trust
Jurisdiction: U.S. Government Plaintiff

Plaintiff

UNITED STATES OF AMERICA

represented by **Jay David Owen**
U.S. DEPARTMENT OF JUSTICE
Antitrust Division
450 Fifth Street, NW
Washington, DC 20530
(202) 598-2987
Fax: (202) 616-2441
Email: jay.owen@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Peter Joseph Mucchetti
U.S. DEPARTMENT OF JUSTICE
Antitrust Division
450 Fifth Street, NW
Washington, DC 20530
(202) 353-4211
Fax: (202) 307-5802
Email: peter.j.mucchetti@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott Ivan Fitzgerald
U.S. DEPARTMENT OF JUSTICE
Antitrust Division
450 Fifth Street, NW
Washington, DC 20530
(202) 353-3863
Fax: (202) 616-2441
Email: scott.fitzgerald@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

STATE OF CALIFORNIA

represented by **Emilio Eugene Varanini**
OFFICE OF ATTORNEY GENERAL/CA
455 Golden Gate Avenue
Suite 11000
San Francisco, CA 94102
(415) 510-3541
Fax: (415) 703-5480
Email: Emilio.Varanini@doj.ca.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Heather B. Hoesterey
OFFICE OF ATTORNEY GENERAL/CA
455 Golden Gate Avenue
Suite 11000
San Francisco, CA 94102
(415) 703-5506
Fax: (415) 703-5480
Email: heather.foesterey@doj.ca.gov

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Malinda Lee
OFFICE OF THE ATTORNEY GENERAL/CA
300 South Spring Street
Suite 1720
Los Angeles, CA 90013
(213) 269-2663
Fax: (213) 897-2801
Email: Malinda.Lee@doj.ca.gov
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

STATE OF FLORIDA

represented by **Christopher R. Hunt**
OFFICE OF ATTORNEY GENERAL/FL
PL-01, The Capitol
Tallahassee, FL 32399-1050
(850) 414-3300
Fax: (850) 488-9134
Email: christopher.hunt@myfloridalegal.com
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Lizabeth A. Brady
OFFICE OF ATTORNEY GENERAL/FL
PL-01, The Capitol
Tallahassee, FL 32399-1050
(850) 414-3300
Fax: (850) 488-9134
Email: liz.brady@myfloridalegal.com
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Rachel Michelle Steinman
OFFICE OF ATTORNEY GENERAL/FL
PL-01, The Capitol
Tallahassee, FL 32399-1050
(850) 414-3856
Fax: (850) 488-9134
Email: Rachel.Steinman@myfloridalegal.com
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

STATE OF HAWAII

represented by **Rodney I. Kimura**
OFFICE OF ATTORNEY GENERAL/HI
425 Queen Street
Honolulu, HI 96813
(808) 586-1180
Fax: (808) 586-1205
Email: rodney.i.kimura@hawaii.gov
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

STATE OF MISSISSIPPI

Plaintiff

STATE OF WASHINGTON

represented by **Luminita Nodit**
OFFICE OF ATTORNEY GENERAL/WA
800 Fifth Avenue
Suite 2000
Seattle, WA 98104
(206) 254-0568
Fax: (206) 464-6338

Email: luminitan@atg.wa.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

CVS HEALTH CORPORATION

represented by **Michael G. Cowie**
DECHERT, LLP
1900 K Street, NW
Washington, DC 20006
(202) 261-3339
Fax: (202) 261-3333
Email: mike.cowie@dechert.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Konstantin Medvedovsky
DECHERT LLP
Three Bryant Park
1095 Avenue of the Americas
New York, NY 10036
(212) 641-5655
Fax: (212) 698-3599
Email: konstantin.medvedovsky@dechert.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Rani A. Habash
DECHERT, LLP
1900 K Street, NW
Washington, DC 20006
(202) 261-3481
Fax: (202) 261-3333
Email: rani.habash@dechert.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

AETNA INC.

represented by **Jesse Solomon**
DAVIS POLK & WARDWELL LLP
901 15th Street, NW
Washington, DC 20005
(202) 962-7138
Fax: (202) 962-7096
Email: jesse.solomon@davispolk.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/10/2018	<u>1</u>	COMPLAINT against CVS HEALTH CORPORATION, AETNA INC. (Fee Status:Filing Fee Waived) filed by All PLAINTIFFS. (Attachments: # <u>1</u> Civil Cover Sheet)(Owen, Jay) (Attachment 1 replaced on 10/10/2018) (zmd). (Entered: 10/10/2018)
10/10/2018	<u>2</u>	NOTICE OF TUNNEY ACT REQUIREMENTS by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Text of Proposed Order Asset Preservation Stipulation and Order, # <u>2</u> Text of Proposed Order Proposed Final Judgment) (Owen, Jay) (Entered: 10/10/2018)
10/10/2018	<u>3</u>	COMPETITIVE IMPACT STATEMENT by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Certificate of Service)(Owen, Jay) (Entered: 10/10/2018)
10/10/2018		Case Assigned to Judge Richard J. Leon. (zmd) (Entered: 10/10/2018)
10/10/2018		SUMMONS Not Issued as to AETNA INC., CVS HEALTH CORPORATION. (zmd) (Entered: 10/10/2018)
10/12/2018	<u>4</u>	NOTICE of Appearance by Michael G. Cowie on behalf of CVS HEALTH CORPORATION (Cowie, Michael) (Entered: 10/12/2018)

10/12/2018	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Rani A. Habash, :Firm- Dechert LLP, :Address- 1900 K Street, NW Washington, DC 20006. Phone No. - 202-261-3481. Filing fee \$ 100, receipt number 0090-5736666. Fee Status: Fee Paid. by CVS HEALTH CORPORATION (Attachments: # <u>1</u> Declaration of Rani A. Habash In Support, # <u>2</u> Text of Proposed Order)(Cowie, Michael) (Entered: 10/12/2018)
10/12/2018	<u>6</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Konstantin Medvedovsky, :Firm- Dechert LLP, :Address- 1095 Avenue of the Americas, New York, NY 10036. Phone No. - 212-698-3500. Filing fee \$ 100, receipt number 0090-5736684. Fee Status: Fee Paid. by CVS HEALTH CORPORATION (Attachments: # <u>1</u> Declaration of Konstantin Medvedovsky In Support, # <u>2</u> Text of Proposed Order)(Cowie, Michael) (Entered: 10/12/2018)
10/18/2018		MINUTE ORDER. A Status Conference in this case is set for Friday, October 19, 2018, at 4:15 PM in Courtroom 18 before Judge Richard J. Leon. SO ORDERED. By Judge Richard J. Leon on 10/18/2018. (jth) (Entered: 10/18/2018)
10/18/2018	<u>7</u>	NOTICE of Appearance by Jesse Solomon on behalf of AETNA INC. (Solomon, Jesse) (Entered: 10/18/2018)
10/19/2018	<u>8</u>	NOTICE of Appearance by Christopher R. Hunt on behalf of STATE OF FLORIDA (Hunt, Christopher) (Entered: 10/19/2018)
10/19/2018	<u>9</u>	NOTICE of Appearance by Rachel Michelle Steinman on behalf of STATE OF FLORIDA (Steinman, Rachel) (Entered: 10/19/2018)
10/19/2018	<u>10</u>	NOTICE of Appearance by Heather B. Hoesterey on behalf of STATE OF CALIFORNIA (Hoesterey, Heather) (Entered: 10/19/2018)
10/22/2018	<u>11</u>	NOTICE of Appearance by Lizabeth A. Brady on behalf of STATE OF FLORIDA (Brady, Lizabeth) (Entered: 10/22/2018)
10/22/2018	<u>12</u>	NOTICE of Appearance by Luminita Nodit on behalf of STATE OF WASHINGTON (Attachments: # <u>1</u> Certificate of Service)(Nodit, Luminita) (Entered: 10/22/2018)
10/22/2018	<u>13</u>	NOTICE OF TUNNEY ACT REQUIREMENTS by CVS HEALTH CORPORATION. (Cowie, Michael) (Entered: 10/22/2018)
10/22/2018	<u>14</u>	NOTICE OF TUNNEY ACT REQUIREMENTS by AETNA INC.. (Attachments: # <u>1</u> Certificate of Service)(Solomon, Jesse) (Entered: 10/22/2018)
10/25/2018	<u>15</u>	ASSET PRESERVATION STIPULATION AND ORDER. (see document for details). Signed by Judge Richard J. Leon on 10/25/2018. (jth) (Entered: 10/25/2018)
10/26/2018		MINUTE ORDER granting <u>5</u> Motion for Leave to Appear Pro Hac Vice. It is hereby ORDERED that Rani A. Habash is allowed to appear pro hac vice for defendant CVS Health Corporation in this case. Signed by Judge Richard J. Leon on 10/26/2018. (lcrjl2) (Entered: 10/26/2018) (Entered: 10/26/2018)
10/26/2018		MINUTE ORDER granting <u>6</u> Motion for Leave to Appear Pro Hac Vice. It is hereby ORDERED that Konstantin Medvedovsky is allowed to appear pro hac vice for defendant CVS Health Corporation in this case. Signed by Judge Richard J. Leon on 10/26/2018. (lcrjl2) (Entered: 10/26/2018) (Entered: 10/26/2018)
10/26/2018	<u>16</u>	NOTICE of Appearance by Emilio Eugene Varanini on behalf of STATE OF CALIFORNIA (Varanini, Emilio) (Entered: 10/26/2018)
10/26/2018	<u>17</u>	NOTICE of Appearance by Malinda Lee on behalf of STATE OF CALIFORNIA (Lee, Malinda) (Entered: 10/26/2018)
10/31/2018	<u>18</u>	NOTICE of Appearance by Rodney I. Kimura on behalf of STATE OF HAWAII (Kimura, Rodney) (Entered: 10/31/2018)
11/09/2018	<u>19</u>	NOTICE of Extension of Time for Divestiture by UNITED STATES OF AMERICA (Owen, Jay) (Entered: 11/09/2018)
11/20/2018	<u>20</u>	Unopposed MOTION APPOINT A MONITORING TRUSTEE by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Exhibit A, # <u>3</u> Text of Proposed Order)(Owen, Jay) (Entered: 11/20/2018)
11/27/2018		MINUTE ORDER. Upon consideration of plaintiff United States' <u>20</u> Unopposed Motion to Appoint a Monitoring Trustee, it is hereby ORDERED that a hearing on the motion shall be held on Thursday, November 29, 2018, at 12:00 pm, in Courtroom 18, before Judge Richard J. Leon. SO ORDERED. Signed by Judge Richard J. Leon on 11/27/18. (lcrjl2) (Entered: 11/27/2018)
11/27/2018		Set/Reset Hearings: A Motions Hearing is set for 11/29/2018 at 12:00 PM in Courtroom 18 before Judge Richard J. Leon. (jth) (Entered: 11/27/2018)
11/28/2018	<u>21</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Howard Shelanski, :Firm- Davis Polk & Wardwell LLP, :Address- 901 15th Street NW, Washington, DC 20005. Phone No. - (202)962-7060. Filing fee \$ 100, receipt number 0090-5810937. Fee Status: Fee Paid. by AETNA INC. (Attachments: # <u>1</u> Declaration of Howard Shelanski, # <u>2</u> Text of Proposed Order)(Solomon, Jesse) (Entered: 11/28/2018)
11/29/2018		Set/Reset Hearings: The Motions Hearing presently scheduled for 11/29/2018 at 12:00 PM is rescheduled for 12:30 PM in Courtroom 18 before Judge Richard J. Leon. (jth) (Entered: 11/29/2018)

11/29/2018		MINUTE ORDER. It is hereby ORDERED that a hearing shall be set for 12/3/2018 at 12:00 PM in Courtroom 18 before Judge Richard J. Leon. SO ORDERED. Signed by Judge Richard J. Leon on 11/29/18. (lcrjl2) (Entered: 11/29/2018)
11/29/2018		Minute Entry for proceedings held before Judge Richard J. Leon: Case called for a Motions Hearing, but not held. Status Conference held on 11/29/2018. The Court will not rule on the pending motion today and will schedule another hearing for Monday, December 3, 2018. (Order scheduling the 12/3/2018 hearing has already been issued). (Court Reporter: William P. Zaremba). (jth) (Entered: 11/29/2018)
11/30/2018	<u>22</u>	<p>TRANSCRIPT OF MOTIONS HEARING PROCEEDINGS before Judge Richard J. Leon held on November 29, 2018; Page Numbers: 1-27. Date of Issuance: November 30, 2018. Court Reporter/Transcriber: William Zaremba; Telephone number: (202) 354-3249. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, PDF or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 12/21/2018. Redacted Transcript Deadline set for 12/31/2018. Release of Transcript Restriction set for 2/28/2019.(wz) (Entered: 11/30/2018)</p>
12/02/2018	<u>23</u>	NOTICE of Appearance by Scott Ivan Fitzgerald on behalf of UNITED STATES OF AMERICA (Fitzgerald, Scott) (Entered: 12/02/2018)
12/02/2018	<u>24</u>	NOTICE of Appearance by Peter Joseph Mucchetti on behalf of UNITED STATES OF AMERICA (Mucchetti, Peter) (Entered: 12/02/2018)
12/02/2018	<u>25</u>	STATUS REPORT on <i>Merger Integration</i> by UNITED STATES OF AMERICA. (Owen, Jay) (Entered: 12/02/2018)
12/03/2018		Set/Reset Hearings: The Hearing in this case presently scheduled for 12/3/2018 at 12:00 PM in Courtroom 18 before Judge Richard J. Leon is rescheduled for 12:30 PM. (jth) (Entered: 12/03/2018)
12/03/2018		Minute Entry for proceedings held before Judge Richard J. Leon: Status Conference held on 12/3/2018. The Unopposed <u>20</u> Motion of the United States to Appoint a Monitoring Trustee is GRANTED. The Court Appoints Julie Myers Wood as Monitoring Trustee. A show cause order will be issued with the parties responses due by 12/14/2018. Another Hearing is set for 12/18/2018 at 3:00 PM in Courtroom 18 before Judge Richard J. Leon. (Court Reporter: William P. Zaremba) (jth) Modified on 12/3/2018 (zjth). (Entered: 12/03/2018)
12/03/2018	<u>26</u>	<p>TRANSCRIPT OF MOTIONS HEARING PROCEEDINGS before Judge Richard J. Leon held on December 3, 2018; Page Numbers: 1-14. Date of Issuance: December 3, 2018. Court Reporter/Transcriber: William Zaremba; Telephone number: (202) 354-3249. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, PDF or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 12/24/2018. Redacted Transcript Deadline set for 1/3/2019. Release of Transcript Restriction set for 3/3/2019.(wz) (Entered: 12/03/2018)</p>
12/04/2018	<u>27</u>	ORDER TO SHOW CAUSE. Written Submissions In Response To Show Cause Order due by 12/14/201 And It Is Further Ordered That The Court Will Hold A Hearing On This Matter on December 18, 2018 at 3:00 PM in Courtroom 18 before Judge Richard J. Leon. Signed by Judge Richard J. Leon on 12/03/18. (mac) (Entered: 12/04/2018)

