

TYPE-A

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-01080-JDB**

FEDERAL TRADE COMMISSION v. SURESCRIPTS, LLC
Assigned to: Judge John D. Bates
Cause: 15:53b Federal Trade Commission Act

Date Filed: 04/17/2019
Jury Demand: None
Nature of Suit: 410 Anti-Trust
Jurisdiction: U.S. Government Plaintiff

Plaintiff

FEDERAL TRADE COMMISSION

represented by **Bradley Albert**
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V.

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Interested Party

ERX NETWORK, LLC

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Intervenor

**ALLSCRIPTS HEALTHCARE
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Intervenor

MCKESSON CORPORATION

represented by **Richard Brian Dagen**
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PRO HAC VICE
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/17/2019	1	COMPLAINT against SURESCRIPTS, LLC filed by FEDERAL TRADE COMMISSION. (Attachments: # 1 Civil Cover Sheet)(ztd) (Entered: 04/18/2019)
04/17/2019	2	MOTION to Seal by FEDERAL TRADE COMMISSION (Attachments: # 1 Text of Proposed Order)(ztd) (Entered: 04/18/2019)
04/17/2019	3	ORDER granting 2 Motion to Seal Case. Signed by Chief Judge Beryl A. Howell on 4/17/19. Counsel has been notified electronically.(ztd) (Entered: 04/18/2019)
04/17/2019	4	STRICKEN PURSUANT TO ORDER 25 REDACTED DOCUMENT- Complaint by FEDERAL TRADE COMMISSION. (ztd) Modified on 5/3/2019 (ztd). (Entered: 04/18/2019)

04/19/2019	5	MOTION to Unseal Case by FEDERAL TRADE COMMISSION (Attachments: # 1 Declaration, # 2 Text of Proposed Order)(ztd) (Entered: 04/23/2019)
04/24/2019	6	ORDER granting 5 Motion to Unseal Case with the exception of docket entry 1 . Signed by Judge John D. Bates on 04/23/19. Counsel have been notified by first class mail.(tb) (Entered: 04/24/2019)
04/24/2019		***Case Unsealed pursuant to Court's Order filed 4/24/19. (See order for details.) (ztd) (Entered: 04/24/2019)
04/24/2019	7	NOTICE of Appearance by Markus H. Meier on behalf of FEDERAL TRADE COMMISSION (Meier, Markus) (Entered: 04/24/2019)
04/24/2019	8	NOTICE of Appearance by Bradley Albert on behalf of FEDERAL TRADE COMMISSION (Albert, Bradley) (Entered: 04/24/2019)
04/24/2019	9	NOTICE of Appearance by David B. Schwartz on behalf of FEDERAL TRADE COMMISSION (Schwartz, David) (Entered: 04/24/2019)
04/24/2019	10	NOTICE of Appearance by Tanya T. O'Neil on behalf of FEDERAL TRADE COMMISSION (O'Neil, Tanya) (Entered: 04/24/2019)
04/24/2019	11	NOTICE of Appearance by Joseph P. Mathias on behalf of FEDERAL TRADE COMMISSION (Mathias, Joseph) (Entered: 04/24/2019)
04/24/2019	12	NOTICE of Appearance by D. Patrick Huyett on behalf of FEDERAL TRADE COMMISSION (Huyett, D.) (Entered: 04/24/2019)
04/24/2019	13	NOTICE of Appearance by Amanda P. Reeves on behalf of SURESCRIPTS, LLC (Reeves, Amanda) (Entered: 04/24/2019)
04/24/2019	14	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Alfred C. Pfeiffer, Jr., :Firm- Latham & Watkins LLP, :Address- 505 Montgomery Street, Suite 2000, San Francisco, CA 94111-6538. Phone No. - (415) 391-0600. Fax No. - (415) 395-8095 Filing fee \$ 100, receipt number 0090-6080358. Fee Status: Fee Paid. by SURESCRIPTS, LLC (Attachments: # 1 Exhibit A - Declaration of Alfred C. Pfeiffer, Jr. in Support of Motion for Admission Pro Hac Vice, # 2 Text of Proposed Order) (Reeves, Amanda) (Entered: 04/24/2019)
04/25/2019	15	WAIVER OF SERVICE by FEDERAL TRADE COMMISSION. SURESCRIPTS, LLC waiver sent on 4/17/2019, answer due 6/16/2019. (Huyett, D.) (Entered: 04/25/2019)
04/25/2019	16	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Alexander E. Reicher, :Firm- Latham & Watkins LLP, :Address- 505 Montgomery Street, Suite 2000, San Francisco, CA 94111-6538. Phone No. - (415) 391-0600. Fax No. - (415) 395-8095 Filing fee \$ 100, receipt number 0090-6083051. Fee Status: Fee Paid. by SURESCRIPTS, LLC (Attachments: # 1 Exhibit A - Declaration of Alexander E. Reicher in Support of Motion for Admission Pro Hac Vice, # 2 Text of Proposed Order) (Reeves, Amanda) (Entered: 04/25/2019)
04/26/2019	17	NOTICE of Appearance by Joel Robert Grosberg on behalf of Allscripts Healthcare Solutions, Inc. (Grosberg, Joel) (Entered: 04/26/2019)
04/26/2019	18	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Katharine M. O'Connor, :Firm- McDermott Will & Emery LLP, :Address- 444 West Lake Street, Suite 4000,

		Chicago, IL 60606. Phone No. - 312-984-3627. Fax No. - 312-277-2527 Filing fee \$ 100, receipt number 0090-6083858. Fee Status: Fee Paid. by Allscripts Healthcare Solutions, Inc. (Attachments: # 1 Declaration Attachment A - Declaration of Katharine M. O'Connor in Support of Pro Hac Vice Admission, # 2 Text of Proposed Order Proposed Order)(Grosberg, Joel) (Entered: 04/26/2019)
04/26/2019	19	NOTICE of Appearance by Richard Brian Dagen on behalf of RelayHealth Pharmacy, Inc., MCKESSON CORPORATION (Dagen, Richard) (Entered: 04/26/2019)
04/26/2019	20	Joint MOTION for Extension of Time to <i>Unseal Plaintiff's Unredacted Complaint</i> by FEDERAL TRADE COMMISSION (Attachments: # 1 Text of Proposed Order) (Mathias, Joseph) (Entered: 04/26/2019)
04/26/2019	21	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Daniel S. Bitton, :Firm- Axinn, Veltrop & Harkrider LLP, :Address- 560 Mission Street San Francisco, CA 94105. Phone No. - 415-490-1486. Filing fee \$ 100, receipt number 0090-6085185. Fee Status: Fee Paid. by MCKESSON CORPORATION, RelayHealth Pharmacy, Inc. (Attachments: # 1 Declaration Declaration of Daniel S. Bitton, # 2 Text of Proposed Order Proposed Order Granting Motion For Admission Pro Hac Vice of Daniel S. Bitton)(Dagen, Richard) (Entered: 04/26/2019)
04/26/2019	22	NOTICE of Appearance by Justin Bernick on behalf of Change Healthcare, LLC, eRx Network, LLC (Bernick, Justin) (Entered: 04/26/2019)
04/29/2019		MINUTE ORDER: Upon consideration of 14 the motion for admission of Alfred C. Pfeiffer, Jr. to appear pro hac vice, and pursuant to Local Civil Rule 83.2(d), it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that the Clerk of Court shall enter the appearance of Alfred C. Pfeiffer, Jr. on behalf of defendant Surescripts, LLC. SO ORDERED. Signed by Judge John D. Bates on 4/29/2019. (lcjdb2) (Entered: 04/29/2019)
04/29/2019		MINUTE ORDER: Upon consideration of 16 the motion for admission of Alexander E. Reicher to appear pro hac vice, and pursuant to Local Civil Rule 83.2(d), it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that the Clerk of Court shall enter the appearance of Alexander E. Reicher on behalf of defendant Surescripts, LLC. SO ORDERED. Signed by Judge John D. Bates on 4/29/2019. (lcjdb2) (Entered: 04/29/2019)
04/29/2019		MINUTE ORDER: Upon consideration of 18 the motion for admission of Katharine M. O'Connor to appear pro hac vice, and pursuant to Local Civil Rule 83.2(d), it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that the Clerk of Court shall enter the appearance of Katharine M. O'Connor on behalf of Allscripts Healthcare Solutions, Inc. SO ORDERED. Signed by Judge John D. Bates on 4/29/2019. (lcjdb2) (Entered: 04/29/2019)
04/29/2019		MINUTE ORDER: Upon consideration of 21 the motion for admission of Daniel S. Bitton to appear pro hac vice, and pursuant to Local Civil Rule 83.2(d), it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that the Clerk of Court shall enter the appearance of Daniel S. Bitton on behalf of RelayHealth Pharmacy, Inc. and McKesson Corporation. SO ORDERED. Signed by Judge John D. Bates on 4/29/2019. (lcjdb2) (Entered: 04/29/2019) (Entered: 04/29/2019)
04/29/2019		MINUTE ORDER: Upon consideration of 20 plaintiff's unopposed motion to postpone unsealing the unredacted complaint, and the entire record herein, it is hereby

		ORDERED that the motion is GRANTED; it is further ORDERED that the Clerk of Court shall maintain 1 plaintiff's unredacted complaint under seal; and it is further ORDERED that, unless otherwise ordered by this Court, the Clerk of Court shall unseal and file on the public docket 1 plaintiff's unredacted complaint at 4:00 p.m. on May 3, 2019. SO ORDERED. Signed by Judge John D. Bates on 4/29/2019. (lcjdb2) (Entered: 04/29/2019)
04/29/2019		NOTICE OF ERROR re 20 Motion for Extension of Time to; emailed to jmathias@ftc.gov, cc'd 25 associated attorneys -- The PDF file you docketed contained errors: 1. Invalid attorney signature, 2. Please refile document, 3. Filing counsel's signature is not on the document. (ztd,) (Entered: 04/29/2019)
04/29/2019	23	Joint MOTION for Extension of Time to <i>Unseal Plaintiff's Unredacted Complaint</i> by FEDERAL TRADE COMMISSION (Meier, Markus) (Entered: 04/29/2019)
04/29/2019		MINUTE ORDER: Upon consideration of 23 plaintiff's unopposed motion to postpone unsealing the unredacted complaint, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that the Clerk of Court shall maintain 1 plaintiff's unredacted complaint under seal; and it is further ORDERED that, unless otherwise ordered by this Court, the Clerk of Court shall unseal and file on the public docket 1 plaintiff's unredacted complaint at 4:00 p.m. on May 3, 2019. SO ORDERED. Signed by Judge John D. Bates on 4/29/2019. (lcjdb2) (Entered: 04/29/2019)
05/02/2019		ENRERED IN ERROR.....Set/Reset Deadlines: Proposed Briefing Schedule due by 5/24/2019. (tb) Modified on 5/2/2019 (tb). (Entered: 05/02/2019)
05/02/2019		NOTICE OF CORRECTED DOCKET ENTRY: re Set deadline for proposed briefing schedule docketed on 05/02/19 was entered in error and counsel is instructed to disregard said entry. (tb) (Entered: 05/02/2019)
05/03/2019	24	STIPULATION <i>between FTC, Surescripts, and Nonparties Concerning Sealing Portions of the Complaint</i> by FEDERAL TRADE COMMISSION. (Attachments: # 1 Exhibit A, # 2 Text of Proposed Order)(Schwartz, David) (Entered: 05/03/2019)
05/03/2019	25	ORDER: Upon consideration of 24 parties' joint stipulation; it is hereby ordered that the Clerk of Court shall maintain under seal 1 ; it is further ordered that the Clerk of Court shall strike 4 plaintiff's redacted complaint from the docket; it is further ordered that the Clerk of Court shall file on the public docket [24-1] plaintiff's complaint with revised redactions; and it is further ordered that all future activity and submissions in this matter shall be filed on the public docket unless otherwisely ordered by the Court. Signed by Judge John D. Bates on 5/03/19. (tb) (Main Document 25 replaced on 5/3/2019) (ztd). Modified on 5/3/2019 (tb). (Entered: 05/03/2019)
05/03/2019	26	REDACTED DOCUMENT- Complaint by FEDERAL TRADE COMMISSION. (ztd) (Entered: 05/03/2019)
05/29/2019	27	Joint MOTION for Extension of Time to <i>Complete Briefing on Motion to Dismiss</i> by SURESCRIPTS, LLC (Attachments: # 1 Text of Proposed Order)(Reeves, Amanda) (Entered: 05/29/2019)
05/30/2019		MINUTE ORDER: Upon consideration of 27 the parties' joint motion for extension of time, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that defendant Surescripts, LLC shall file its

		motion to dismiss the complaint by not later than July 12, 2019, plaintiff Federal Trade Commission shall file any opposition to the motion to dismiss by not later than August 23, 2019, and Surescripts, LLC shall file any reply in support of its motion to dismiss by not later than September 13, 2019. SO ORDERED. Signed by Judge John D. Bates on 5/30/2019. (lcjdb2) (Entered: 05/30/2019)
05/31/2019		Set/Reset Deadlines: Dispositive Motion due by 7/12/2019. Response to Dispositive Motion due by 8/23/2019. Reply to Dispositive Motion due by 9/13/2019. (tb) (Entered: 05/31/2019)
06/17/2019	28	NOTICE of Appearance by Allyson M. Maltas on behalf of SURESCRIPTS, LLC (Maltas, Allyson) (Entered: 06/17/2019)
07/12/2019	29	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by SURESCRIPTS, LLC (Reeves, Amanda) (Entered: 07/12/2019)
07/12/2019	30	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by SURESCRIPTS, LLC (This document is SEALED and only available to authorized persons.) (Attachments: # 1 Text of Proposed Order, # 2 Sealed Motion to Dismiss and Memorandum in Support, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3, # 6 Exhibit 4, # 7 Exhibit 5, # 8 Exhibit 6, # 9 Text of Proposed Order (Motion to Dismiss), # 10 Certificate of Service)(Reeves, Amanda) (Entered: 07/12/2019)
07/12/2019	31	MOTION to Dismiss for Lack of Jurisdiction (<i>REDACTED</i>) by SURESCRIPTS, LLC (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Text of Proposed Order)(Reeves, Amanda) (Entered: 07/12/2019)