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LONOKE COUNTY CIRCUIT COURT  
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43CV-20-752  
C23D01 : 17 Pages

IN THE CIRCUIT COURT OF LONOKE COUNTY, ARKANSAS

LACKIE DRUG STORE, INC.,

Plaintiff,

v.

Case No. 43CV-20-752

ARKANSAS CVS PHARMACY, L.L.C.,  
CVS HEALTH CORPORATION,  
CAREMARK, L.L.C., CAREMARKPCS,  
L.L.C., EXPRESS SCRIPTS, ESI MAIL  
PROCESSING, INC., ESI MAIL  
PHARMACY SERVICE, INC., EXPRESS  
SCRIPTS PHARMACY, MEDIMPACT  
HEALTHCARE SYSTEMS, INC.,  
MEDIMPACT DIRECT, LLC,  
OPTUMRX, INC., OPTUMRX  
PHARMACY, INC., and  
PHARMACEUTICAL CARE  
MANAGEMENT ASSOCIATION

Defendants.

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FIRST AMENDED COMPLAINT

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COMES NOW Plaintiff Lackie Drug Store, Inc. ("Lackie Drug" or "Plaintiff"), and  
alleges as follows:

### PARTIES

1. Lackie Drug Store, Inc. (“Lackie Drug”) is an Arkansas citizen with its principal place of business in Lonoke, Arkansas. It owns and operates an independent retail pharmacy in the City of Lonoke.

2. Arkansas CVS Pharmacy, L.L.C. (“Arkansas CVS Pharmacy”) is a citizen of Arkansas. It is an Arkansas limited liability company formed pursuant to Arkansas law. Its registered agent for service of process is CT Corporation System, 124 West Capitol Ave., Suite 1900, Little Rock, Arkansas 72201. When the phrase “Defendant PBM Affiliate” is used herein, Arkansas CVS Pharmacy is expressly included therein.

3. CVS Health Corporation (“CVS Health”) is a Delaware corporation with its principal place of business located at One CVS Drive, Woonsocket, Rhode Island 02895. Its registered agent for service of process is the Corporation Trust Company, Corporation Trust Center 1209, Orange St, Wilmington, Delaware 19801. CVS Health is a publicly traded corporation on the New York Stock Exchange. CVS Health owns and operates the retail pharmacy chain known as CVS Pharmacy, a Pharmacy Benefits Manager (“PBM”) known as CVS Caremark, and a health insurance provider known as Aetna. When the phrase “Defendant PBM” is used herein, CVS Health Corp. is expressly included therein.

4. Caremark, L.L.C. is a California limited liability company with its principal place of business located at One CVS Drive, Woonsocket, Rhode Island 02895. Its registered agent for service of process is The Corporation Trust Company, Corporation Trust Center 1209 Orange Street, Wilmington, Delaware 19801. Caremark, L.L.C. owns,

controls, and operates one of the largest Pharmacy Benefit Managers (“PBMs”) in the world. When the phrase “Defendant PBM” is used herein, Caremark, L.L.C., is expressly included therein.

5. CaremarkPCS, L.L.C. is a Delaware limited liability company with its principal place of business located at One CVS Drive, Woonsocket, Rhode Island 02895. Its registered agent for service of process is CT Corporation System, 450 Veterans Memorial Parkway, Suite 7A, East Providence, Rhode Island 02914. Together, Caremark, L.L.C. and CaremarkPCS, L.L.C. (collectively referred to as “Caremark”) own, control, and operate one of the largest PBMs in the world. When the phrase “Defendant PBM” is used herein, CaremarkPCS, L.L.C., and Caremark are expressly included therein.

6. Express Scripts, Inc. (“Express Scripts”) is a Delaware corporation with its principal place of business located at One Express Way, HQ2E04, St. Louis, Missouri 63121. Its registered agent for service of process is CSC-Lawyers Incorporating Service Company, 221 Bolivar Street, Jefferson City, Missouri 65101. Express Scripts owns and operates one of the largest PBMs in the world. When the phrase “Defendant PBM” is used herein, Express Scripts is expressly included therein.

7. ESI Mail Order Processing, Inc. (“ESI Mail Order Processing”) is a Delaware corporation with its principal place of business located at One Express Way, St. Louis, Missouri 63121. Its registered agent for service of process is Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

8. ESI Mail Pharmacy Service, Inc. (“ESI Mail Pharmacy Service”) is a Delaware corporation with its principal place of business located at One Express Way, St.

Louis, Missouri 63121. Its registered agent for service of process is Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

9. Express Scripts Pharmacy, Inc. (“Express Scripts Pharmacy”) is a Delaware corporation with its principal place of business located at One Express Way, St. Louis, Missouri 63121. Its registered agent for service of process is Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

10. Together, ESI Mail Order Processing, ESI Mail Pharmacy Service, and Express Scripts Pharmacy (collectively referred to as “Express Scripts Mail Order Pharmacy”) own and operate pharmacy services in the United States that dispenses prescription medication through the mail to consumers in the State of Arkansas. When the phrase “Defendant PBM affiliate” is used herein, all of these entities comprising Express Scripts Mail Order Pharmacy are expressly included therein.

11. MedImpact Healthcare Systems, Inc. (“MedImpact”) is a California corporation with its principal place of business located at 10181 Scripps Gateway Ct, San Diego, California 92131. Its registered agent for service of process is CT Corporation System, 818 West Seventh Street, Suite 930, Los Angeles, California 90017. MedImpact owns and operates one of the largest PBMs in the world. When the phrase “Defendant PBM” is used herein, MedImpact is expressly included therein

12. MedImpact Direct, LLC (“MedImpact Direct”) is an Arizona limited liability company with its principal place of business located at 8060 S Kyrene Road, Tempe, Arizona 85284. Its registered agent for service of process is CT Corporation System, 3800 N Central Avenue, Suite 460, Phoenix, Arizona 85012. MedImpact Direct

owns and operates a pharmacy service in the United States that dispenses prescription medication through the mail to consumers in the State of Arkansas. When the phrase “Defendant PBM affiliate” is used herein, MedImpact Direct is expressly included therein.

13. OptumRX, Inc. (“OptumRX”) is a California corporation with its principal place of business located at 2300 Main Street, MS CA134-0501, Irvine, California 92614. Its registered agent for service of process is CT Corporation System, 818 West Seventh Street, Suite 930, Los Angeles, California 90017. OptumRX owns and operates one of the largest PBMs in the world. When the phrase “Defendant PBM” is used herein, OptumRX, Inc., is expressly included therein.

14. OptumRX Pharmacy, Inc. (“OptumRX Pharmacy”) is a Delaware corporation with its principal place of business located at 2300 Main Street, Irvine, California 92614. Its registered agent for service of process is The Corporation Trust Company, Corporation Trust Center 1209 Orange Street, Wilmington, Delaware 19801. OptumRX Pharmacy, Inc. owns and operates a pharmacy service in the United States that dispenses prescription medication through the mail to Arkansas consumers. When the phrase “Defendant PBM affiliate” is used herein, OptumRX Pharmacy is expressly included therein.

15. Pharmaceutical Care Management Association (“PCMA”) is the national trade association representing Pharmacy Benefit Managers (or “PBMs”) with a principal place of business in Washington, D.C. When the phrase “Defendant PBM” is used herein, Caremark, L.L.C., is expressly included therein. The PCMA is operated, in effect, by its

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