

1 XAVIER BECERRA
 Attorney General of California
 2 GERALD A. ENGLER
 Chief Assistant Attorney General
 3 SARALYN M. ANG-OLSON
 Senior Assistant Attorney General
 4 VINCENT DICARLO
 Supervising Deputy Attorney General
 5 BERNICE L. LOUIE YEW, State Bar No. 114601
 Deputy Attorney General
 6 E-mail: Bernice.Yew@doj.ca.gov
 EMMANUEL R. SALAZAR, State Bar No. 240794
 7 Deputy Attorney General
 E-mail: Emmanuel.Salazar@doj.ca.gov
 8 2329 Gateway Oaks Drive, Suite 200
 Sacramento, CA 95833-4252
 9 Telephone: (916) 621-1835
 Fax: (916) 274-2949

10 *Attorneys for State of California*

11
 12 IN THE UNITED STATES DISTRICT COURT
 13 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA, et al., *ex*
 16 *rel.* LOYD F. SCHMUCKLEY, JR.,
 17 Plaintiffs,
 18 v.
 19 RITE AID CORPORATION,
 20 Defendant.

2:12-CV-1699 KJM EFB

**JOINT STIPULATION AND ORDER
 REGARDING PAGE LIMITS RELATED
 TO STATE OF CALIFORNIA'S
 OPPOSITION TO RITE AID
 CORPORATION'S CONSOLIDATED
 MOTION TO DISMISS**

22 STATE OF CALIFORNIA *ex rel.* LOYD F.
 23 SCHMUCKLEY, JR.,
 24 Plaintiff,
 25 v.
 26 RITE AID CORPORATION,
 27 Defendant.

28 Plaintiff State of California ("California"), *qui tam* plaintiff Loyd F. Schmuckley, Jr.,

1 (“Schmuckley”) and defendant Rite Aid Corporation (“Rite Aid”), jointly hereinafter, “the
2 Parties,” hereby enter into this joint stipulation and proposed order for the Court’s consideration:

3 **RECITALS**

4 **WHEREAS**, California filed its Complaint-in-Intervention with the Court in this action
5 on September 21, 2017 (Dkt. 57);

6 **WHEREAS**, Schmuckley filed his First Amended Complaint with the Court in this action
7 on September 28, 2017 (Dkt. 79);

8 **WHEREAS**, Rite Aid filed a 25-page memorandum of points and authorities in support
9 of its Consolidated Motion to Dismiss California’s Complaint-in-Intervention and Schmuckley’s
10 First Amended Complaint (“Consolidated Motion to Dismiss”) on January 19, 2018;

11 **WHEREAS**, the Parties have agreed that good cause exists to allow California’s
12 memorandum of points and authorities in opposition to Rite Aid’s Consolidated Motion to
13 Dismiss to exceed 20 pages but no more than 26 pages;

14 **WHEREAS**, the Parties have agreed that good cause exists to allow Rite Aid to file, at its
15 option, either (i) a reply to California’s opposition not in excess of 13 pages, or (ii) a consolidated
16 reply to Relator’s and California’s opposition memoranda not in excess of 18 pages;

17 **WHEREAS**, none of the Parties is waiving any defense, right or claim by entering into
18 this stipulation.

19 **JOINT STIPULATION**

20 The Parties hereby stipulate and agree that the page limit for California’s memorandum of
21 points and authorities in opposition to Rite Aid’s Consolidate Motion to Dismiss shall not exceed
22 twenty-six pages, and that Rite Aid may file, at its option, either (i) a reply to California’s
23 opposition not in excess of 13 pages, or (ii) a consolidated reply to Relator’s and California’s
24 opposition memoranda not in excess of 18 pages;

25 **IT IS SO STIPULATED.**

26
27 Dated: 2/14/2018

XAVIER BECERRA
Attorney General of California

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/s/ Emmanuel R. Salazar
EMMANUEL R. SALAZAR
Deputy Attorney General
Attorneys for Plaintiff State of California

Dated: 2/15/2018

WATERS & KRAUS

/s/ William P. Lawrence, II (as authorized on
2/15/2018)
WILLIAM PAUL LAWRENCE, II
*Attorneys for Qui Tam Plaintiff Loyd F. Schmuckley,
Jr.*

Dated: 2/14/2018

MORGAN, LEWIS & BOCKIUS LLP

/s/ Michael Q. Eagan (as authorized on 2/14/2018)
MICHAEL Q. EAGAN
Attorneys for Defendant Rite Aid Corporation

ORDER

Based upon the agreement of the Parties, and the Court finding good cause therefor,
IT IS HEREBY ORDERED THAT the page limit for California’s memorandum of
points and authorities in opposition to Rite Aid’s Consolidated Motion to Dismiss shall not
exceed 26 pages, and that Rite Aid may file, at its option, either (i) a reply to California’s
opposition not in excess of 13 pages, or (ii) a consolidated reply to Relator’s and California’s
opposition memoranda not in excess of 18 pages.

IT IS SO ORDERED.

DATED: February 21, 2018.


UNITED STATES DISTRICT JUDGE