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8 *Attorneys for State of California*

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 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12
 13 UNITED STATES OF AMERICA, et al., *ex*
 14 *rel.* LOYD F. SCHMUCKLEY, JR.,
 15 Plaintiffs,
 16 v.
 17 RITE AID CORPORATION,
 18 Defendant.
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 20 STATE OF CALIFORNIA *ex rel.* LOYD F.
 21 SCHMUCKLEY, JR.,
 22 Plaintiff,
 23 v.
 24 RITE AID CORPORATION,
 25 Defendant.

2:12-CV-1699 KJM EFB

**JOINT STIPULATION REGARDING
 EXTENSION OF DEADLINES FOR
 DEFENDANT TO FILE AMENDED
 ANSWERS WITHOUT LEAVE OF
 COURT AND FOR PLAINTIFFS TO FILE
 MOTION TO STRIKE ANSWERS;
 ORDER**

Complaint Filed: September 21, 2017

1 **RECITALS**

2 **WHEREAS**, on September 21, 2017, Plaintiff-Intervenor State of California (“California”)
3 filed its Complaint-in-Intervention in the above-captioned False Claims Act *qui tam* matter.

4 **WHEREAS**, on November 20, 2017, Relator Loyd F. Schmuckley, Jr., (“Relator”) served
5 his First Amended Complaint on Defendant Rite Aid Corporation (“Rite Aid”).

6 **WHEREAS**, on January 19, 2018, Rite Aid filed a motion to dismiss California’s Complaint-
7 in-Intervention and Relator’s First Amended Complaint.

8 **WHEREAS**, on September 5, 2018, the Court denied Rite Aid’s motion to dismiss and
9 ordered Rite Aid to serve its Answer to California’s Complaint-in-Intervention and Answer to
10 Relator’s First Amended Complaint 21 days therefrom.

11 **WHEREAS**, on September 26, 2018, Rite Aid filed and served its Answers to California’s
12 Complaint-in-Intervention and Relator’s First Amended Complaint.

13 **WHEREAS**, pursuant to Federal Rule of Civil Procedure 15(a)(1), the deadline for Rite Aid
14 to amend its answers as a matter of course is 21 days after the service of the answers, i.e., October
15 17, 2018.

16 **WHEREAS**, pursuant to Federal Rule of Civil Procedure 12(f)(2), the deadline for California
17 and Relator to file a motion to strike Rite Aid’s answers is 21 days from the filing of the answers,
18 i.e., October 17, 2018.

19 **WHEREAS**, the parties are meeting and conferring regarding plaintiffs’ motion to strike and
20 the potential of Rite Aid filing amended answers.

21 **WHEREAS**, the parties recognize the need to further meet and confer and avoid unnecessary
22 motion practice.

23 **STIPULATION**

24 The parties stipulate and agree, therefore, to the following:

- 25 • Pursuant to Federal Rule of Civil Procedure 15(a)(2), Rite Aid may, without seeking leave
26 of the Court, file amended answers to California’s Complaint-in-Intervention and
27 Relator’s First Amended Complaint on or before October 31, 2018, and
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- the deadline for Plaintiffs to file a motion to strike relating to Rite Aid’s Answer to California’s Complaint-in-Intervention [Dkt. 138] or Answer to Relator’s First Amended Complaint [Dkt. 139] shall be extended 21 days, up to and including November 7, 2018.

Dated: October 12, 2018

XAVIER BECERRA
Attorney General of the State of California

By /s/ Emmanuel R. Salazar
Emmanuel R. Salazar
Deputy Attorney General

Attorneys for STATE OF CALIFORNIA

Dated: October 12, 2018

WATERS & KRAUS, LLP

By /s/ Wm. Paul Lawrence, II (as authorized on 10/12/18)

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Attorneys for *Qui Tam* Plaintiff
LOYD F. SCHMUCKLEY, JR.

Dated: October 12, 2018

MORGAN, LEWIS & BOCKIUS LLP

By /s/ Michael Q. Eagan, Jr. (as authorized on 10/12/18)

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Attorneys for Defendant
RITE AID CORPORATION

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ORDER

Finding good cause, IT IS ORDERED that the above stipulation is approved. Pursuant to Federal Rule of Civil Procedure 15(a)(2), Rite Aid may, without seeking leave of the Court, file amended answers to California's Complaint-in-Intervention and Relator's First Amended Complaint on or before **October 31, 2018**. The deadline for Plaintiffs to file their motion(s) to strike Rite Aid's Answer to California's Complaint-in-Intervention [Dkt. 138] and Answer to Relator's First Amended Complaint [Dkt. 139] shall be **November 7, 2018**.

IT IS SO ORDERED.

DATED: October 17, 2018.


UNITED STATES DISTRICT JUDGE

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this action. My business address is: 2329 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833.

A true and correct copy of the foregoing document entitled (*specify*):

JOINT STIPULATION REGARDING EXTENSION OF DEADLINES FOR DEFENDANT TO FILE AMENDED ANSWERS WITHOUT LEAVE OF COURT AND FOR PLAINTIFFS TO FILE MOTION TO STRIKE ANSWERS; [PROPOSED] ORDER THEREON

was served in the manner stated below:

SERVED BY CM/ECF SERVICE: Pursuant to Fed. R. Civ. P. 5(b)(2)(E) and Local Rule 135, on 10/17/2018, I served the following persons and/or entities by the Court’s CM/ECF service:

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

10/17/2018 Emmanuel R. Salazar /s/ Emmanuel R. Salazar

Date *Printed Name* *Signature*