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(Additional counsel listed on signature page)

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

UNITED STATES OF AMERICA, et al., *ex*
rel. LOYD F. SCHMUCKLEY, JR.,

Plaintiffs,

v.

RITE AID CORPORATION,

Defendant.

STATE OF CALIFORNIA *ex rel.* LOYD F.
SCHMUCKLEY, JR.,

Plaintiff,

v.

RITE AID CORPORATION,

Defendant.

2:12-CV-1699 KJM EFB

**JOINT MOTION TO AMEND
SCHEDULING ORDER; ORDER**

1 **JOINT MOTION TO AMEND SCHEDULING ORDER**

2 Plaintiff-Intervenor State of California (“California”), Relator Loyd F. Schmuckley, Jr.,
3 and Defendant Rite Aid Corporation¹ (“Rite Aid”) (collectively, “the Parties”) jointly hereby
4 move the Court for an order amending the currently effective scheduling order.

5 On May 29, 2018, the Court adopted phased discovery in this matter. ECF No. 128. The
6 first phase of discovery would address, among other things, relevant here, “all of Rite Aid’s
7 prescription records and all relevant third-party medical records concerning the statistical sample
8 of 1,904 claims.” *Id.* at 5. The second phase of discovery would address all remaining discovery,
9 including depositions of the Parties 30(b)(6) witnesses. Per the current effective scheduling
10 orders, the first phase of discovery was to be completed by June 26, 2019, and the second phase
11 of discovery would be completed by October 23, 2019. ECF No. 176.

12 On July 2, 2019, upon hearing, the Magistrate Judge granted California’s motion to
13 compel regarding Rite Aid’s prescription records and ordered Rite Aid to produce all responsive
14 documents, including copies of scanned prescriptions, hard copy prescriptions, and “patient
15 medication profiles” related to the 1,904 sample claims, no later than October 23, 2019. ECF No.
16 225 at 2. The Magistrate Judge also granted California’s motion to compel relating to
17 California’s Requests for Production of Documents Nos. 15 and 16 and ordered Rite Aid to
18 produce all responsive documents as soon as practical, with all documents produced no later than
19 October 23, 2019.² *Id.*

20 Given the Court’s July 2, 2019 order, and the Parties’ anticipation of considerable
21 discovery necessary during Phase 2 of this matter, the Parties have met and conferred regarding
22 modifications of current Phase 2 deadlines in this matter. To allow Rite Aid sufficient time to
23 produce responsive records by October 23, 2019, and to also allow Plaintiffs sufficient time to
24 review all responsive records before proceeding with depositions of Rite Aid’s 30(b)(6)
25 witnesses, a subject that falls within the second phase of discovery, the Parties have mutually
26 agreed to extend case deadlines as set forth below.

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28 ¹ Rite Aid contends that it is an improper defendant to this action. *See* ECF Nos. 188, 227.

² The Magistrate Judge denied California’s motion for evidentiary sanctions. *Id.*

The Parties, therefore, jointly move the Court to amend its prior scheduling orders, ECF Nos. 176 and 184, as follows:

Event	Current Date	Requested Modified Date
Second Phase of Discovery Completed ³	October 23, 2019	February 21, 2020
Expert Disclosures (other than sampling methodology/design)	November 22, 2019	April 10, 2020
Rebuttal expert disclosures (other than sampling methodology/design)	January 20, 2020	May 22, 2020
Expert Discovery Completed	February 19, 2020	June 26, 2020
Last Day to Hear Dispositive Motions	June 12, 2020 at 10:00 A.M. in Courtroom No. 3	October 23, 2020 at 10:00 A.M. in Courtroom No. 3

Dated: 7/30/2019

Respectfully submitted,
XAVIER BECERRA
Attorney General of California

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

Dated: 7/30/2019

WATERS & KRAUS LLP

/s/ Wm. Paul Lawrence II (authorized on 7/30/2019)
WM. PAUL LAWRENCE II
Attorneys for Relator Loyd F. Schmuckley, Jr.

Dated: 7/29/2019

MORGAN, LEWIS & BOCKIUS, LLP

/s/ Michael Q. Eagan, Jr. (authorized on 7/29/2019)
BENJAMIN P. SMITH
MICHAEL Q. EAGAN, JR.
Attorneys for Defendant Rite Aid Corporation

³ The Parties are continuing to meet and confer about discovery relating to pharmacy associates whose testimony Rite Aid may rely upon in this matter. The Parties will notify the Court as soon as possible if the Parties consider it necessary to further amend the scheduling order.

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ORDER

After reviewing the Parties' joint motion to amend the scheduling order, the Court finds good cause and grants the motion.

IT IS ORDERED that the scheduling orders, ECF Nos. 176 and 184, are amended as follows:

Event	Current Date	Requested Modified Date
Second Phase of Discovery Completed	October 23, 2019	February 21, 2020
Expert Disclosures (other than sampling methodology/design)	November 22, 2019	April 10, 2020
Rebuttal expert disclosures (other than sampling methodology/design)	January 20, 2020	May 22, 2020
Expert Discovery Completed	February 19, 2020	June 26, 2020
Last Day to Hear Dispositive Motions	June 12, 2020 at 10:00 A.M. in Courtroom No. 3	October 23, 2020 at 10:00 A.M. in Courtroom No. 3

IT IS SO ORDERED.

DATED: August 5, 2019.


UNITED STATES DISTRICT JUDGE