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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, and the
STATE OF CALIFORNIA, et al., ex rel.
LOYD F. SCHMUCKLEY, JR.,

Plaintiffs,

v.

RITE AID CORPORATION,

Defendant.

No. 2:12-cv-1699-KJM-EFB

ORDER AFTER HEARING

This case was before the court on December 11, 2019, for hearing on plaintiff-intervenor State of California’s motion for sanctions under Federal Rule of Civil Procedure 37(b)(2)(A) against defendant Rite Aid Corporation for failure to comply with the court’s November 5, 2019 order. ECF No. 261; *see* ECF No. 258. Also before the court was Rite Aid’s request to file documents under seal. ECF No. 267. California Deputy Attorneys General Emmanuel Salazar and Bernice Yew appeared on behalf of California. Attorneys Jennifer Bartlett and Paul Lawrence¹ appeared on behalf of relator, and attorneys Benjamin Smith and Kevin Papay appeared on behalf of Rite Aid.

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¹ Mr. Lawrence appeared by telephone.

1 For the reasons stated on the record, it is hereby ORDERED that Rite Aid's request to file
2 documents under seal is denied and California's motion for attorneys' fees is granted in part and
3 denied in part as follows:

4 1. Rite Aid shall supplement its responses to Request for Production of Documents
5 ("RPD") Nos. 18-20, 22, and 28-31 by providing California with a verification describing in
6 detail the searches for responsive documents that were conducted. The verification shall be
7 signed under penalty of perjury by the individual(s) who conducted the searches and served by no
8 later than January 10, 2020.

9 2. By no later than January 10, 2020, Rite Aid shall produce unredacted copies of all
10 financial statements previously produced in response to RPD Nos. 30 and 31. The parties shall
11 submit a stipulated protective order addressing the use of any confidential information contained
12 in such documents by January 3, 2020.

13 3. By no later than January 10, 2020, Rite Aid shall also provide California with a
14 supplemental response identifying the specific discovery request to which each document
15 identified in paragraph 19 of the declaration of Emmanuel Salazar (ECF No. 265) is responsive.

16 4. Rite Aid shall reimburse California the reasonable expenses it incurred in litigating its
17 motion for sanctions. By no later than January 3, 2020, California shall submit detailed billing
18 records identifying the specific tasks counsel performed in litigating its motion for sanctions and
19 the time spent on each task. Rite Aid may file a response to California's submission on or before
20 January 10, 2020.

21 DATED: December 19, 2019.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE