1 1 2 3 3 4 5 5 6 7 7 FOR THE EASTERN DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 11 UNITED STATES OF AMERICA, and the STATE OF CALIFORNIA, et al., ex rel. LOYD F. SCHMUCKLEY, JR., 12 LOYD F. SCHMUCKLEY, JR., 13 Plaintiffs, 14 v. 15 RITE AID CORPORATION, 16 Defendant. 17			
3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 UNITED STATES OF AMERICA, and the STATE OF CALIFORNIA, et al., ex rel. LOYD F. SCHMUCKLEY, JR., No. 2:12-cv-1699-KJM-EFB 12 DYD F. SCHMUCKLEY, JR., ORDER AFTER HEARING 14 v. ORDER AFTER HEARING 15 RITE AID CORPORATION, ORDER AFTER HEARING 16 Defendant. Defendant. 17 This case was before the court on December 11, 2019, for hearing on plaintiff-intervenor 18 This case was before the court on December 11, 2019, for hearing on plaintiff-intervenor 19 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 0rder. 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 Lawrence ¹ appeared on behalf of relator, and attorneys Benjamin Smith and Kevin Papay	1		
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7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 UNITED STATES OF AMERICA, and the STATE OF CALIFORNIA, et al., ex rel. LOYD F. SCHMUCKLEY, JR., No. 2:12-cv-1699-KJM-EFB 13 Plaintiffs, ORDER AFTER HEARING 14 v. RITE AID CORPORATION, ORDER AFTER HEARING 15 RITE AID CORPORATION, Defendant. ORDER after HEARING 19 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 Lawrence ¹ appeared on behalf of relator, and attorneys Benjamin Smith and Kevin Papay appeared on behalf of Rite Aid. 26 //// 27	5		
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10 Initial United States of AMERICA, and the State of California, et al., ex rel. LOYD F. SCHMUCKLEY, JR., No. 2:12-cv-1699-KJM-EFB 12 Defendant. ORDER AFTER HEARING 14 v. Initial Ocorporation, Initial Ocorporation, 16 Defendant. Defendant. Initial Ocorporation for sanctions under Federal Rule of Civil Procedure 37(b)(2)(A) 18 This case was before the court on December 11, 2019, for hearing on plaintiff-intervenor 19 State of California's motion for sanctions under Federal Rule of Civil Procedure 37(b)(2)(A) 20 against defendant Rite Aid Corporation for failure to comply with the court's November 5, 2019 21 order. ECF No. 261; see ECF No. 258. Also before the court was Rite Aid's request to file 22 documents under seal. ECF No. 267. California Deputy Attorneys General Emmanuel Salazar 23 and Bernice Yew appeared on behalf of California. Attorneys Iennifer Bartlett and Paul 24 Lawrence' appeared on behalf of relator, and attorneys Benjamin Smith and Kevin Papay 25 appeared on behalf of Rite Aid. 26 /////	8	UNITED STATES DISTRICT COURT	
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 Lawrence¹ appeared on behalf of relator, and attorneys Benjamin Smith and Kevin Papay appeared on behalf of Rite Aid. ///// 27 	22		
 25 appeared on behalf of Rite Aid. 26 ///// 27 	23		
26 ///// 27	24	Lawrence ¹ appeared on behalf of relator, and attorneys Benjamin Smith and Kevin Papay	
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¹ Mr. Lawrence appeared by telephone.	27		
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For the reasons stated on the record, it is hereby ORDERED that Rite Aid's request to file
 documents under seal is denied and California's motion for attorneys' fees is granted in part and
 denied in part as follows:

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

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EDMUND F. BRENNAN UNITED STATES MAGISTRATE JUDGE