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9
 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.
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2:12-CV-1699 KJM EFB

**JOINT STIPULATION REGARDING
 BRIEFING AND HEARING SCHEDULE
 OF CERTAIN DISCOVERY MOTIONS;
 [PROPOSED] ORDER THEREON**

Complaint Filed: June 26, 2012
 Complaint-in-Intervention Filed: September
 21, 2017

1 **RECITALS**

2 **WHEREAS**, on August 12, 2020, Defendant Rite Aid Corporation (“Rite Aid”) filed its
3 Motion to Compel Further Responses to Interrogatories, Nos. 3-5, 7-9, 13, originally set for
4 hearing on September 2, 2020.

5 **WHEREAS**, on August 18, 2020, Plaintiff-Intervenor State of California (“California”)
6 filed its Motion to Compel Further Responses and Production of Documents Responsive to
7 Requests for Production of Documents (“RPD”) Set No. 8, originally set for hearing on
8 September 9, 2020.

9 **WHEREAS**, on August 19, 2020, the Court moved the hearing regarding Rite Aid’s and
10 California’s Motions to Compel to September 9, 2020 and ordered the parties to file one joint
11 statement that addresses both motions no later than September 2, 2020.

12 **WHEREAS**, on August 19, 2020, California filed its Motion for Order to Show Cause and
13 Sanctions for Defendant Rite Aid Corporation’s Disobedience of the Court’s Order to Produce
14 Documents Responsive to Request for Production of Documents Nos. 1, 2, 15 and 16 (Records
15 Related to Sample Claim Prescriptions), set for hearing on September 9, 2020.

16 **WHEREAS**, California and Relator Loyd F. Schmuckley, Jr. (together, “Plaintiffs”) intend
17 to file jointly by August 26, 2020, a motion for an order regarding electronically stored
18 information and communications (“ESI”), hearing thereof will be set for September 16, 2020.

19 **WHEREAS**, the parties recognize the need to have the discovery motions be heard in one
20 hearing and the need for judicial economy.

21 **STIPULATION**

22 The parties stipulate and agree, therefore, to the following briefing and hearing schedule:

Date	Event
9/2/2020	Parties to exchange initial joint statements on California’s motion to compel re RPD Set No. 8 and Rite Aid’s motion to compel re: interrogatories; Plaintiffs to provide Rite Aid with a separate initial joint statement regarding Plaintiffs’ motion for an order re: ESI. ¹

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27 ¹ Because the motion re: ESI will cover many of Plaintiffs’ document requests and involve issues
28 that are applicable only to ESI, the parties believe it will serve the parties and the Court to have a joint
statement re: ESI issues separate from other pending discovery disputes.

1 2	No later than 5 p.m. on 9/8/2020	Parties to exchange inserts on joint statements on Rite Aid's motion to compel re: interrogatories, California's motion to compel re: RPD Set No. 8, and Plaintiffs' motion for an order re: ESI.
3	9/9/2020	Last day for Rite Aid to file opposition to California's motion for order to show cause and sanctions.
4 5	9/9/2020	Last day for the parties to file joint statements on Rite Aid's motion to compel re: interrogatories, California's motion to compel re: RPD Set No. 8, and Plaintiffs' motion for an order re: ESI.
6	9/14/2020	Last day for Plaintiffs to file reply to Rite Aid's opposition to California's motion for order to show cause and sanctions.
7 8	9/16/2020, 10:00 a.m.	Hearing of Rite Aid's motion to compel re: interrogatories, California's motion to compel re: RPD Set No. 8, Plaintiffs' motion for an order re: ESI, and California's motion for an order to show cause and sanctions.

9 It is so stipulated.

10 Respectfully submitted,

11 Dated: 8/24/2020

XAVIER BECERRA
Attorney General of the State of California

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13 By /s/ Emmanuel R. Salazar
Emmanuel R. Salazar
Deputy Attorney General
Attorneys for STATE OF CALIFORNIA

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16 Dated: 8/24/2020

WATERS & KRAUS, LLP

17 By /s/ Wm. Paul Lawrence (authorized on 8/24/2020)
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LOYD F. SCHMUCKLEY, JR.

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23 Dated: 8/25/2020

MORGAN, LEWIS & BOCKIUS LLP

24 By /s/ Kevin M. Papay (authorized on 8/25/2020)
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Attorneys for Defendant
RITE AID CORPORATION

1 **PROPOSED ORDER**

2 Finding good cause, IT IS ORDERED THAT the above stipulation is approved.

3 THEREFORE, IT IS ORDERED THAT the parties follow the agreed upon briefing and
4 hearing schedule, as follows:

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Date	Event
6 9/2/2020	Parties to exchange initial joint statements on California's motion to compel re RPD Set No. 8 and Rite Aid's motion to compel re: interrogatories; Plaintiffs to provide Rite Aid with a separate initial joint statement regarding Plaintiffs' motion for an order re: ESI.
7	
8 No later than 9 5 p.m. on 10 9/8/2020	Parties to exchange inserts on joint statements on Rite Aid's motion to compel re: interrogatories, California's motion to compel re: RPD Set No. 8, and Plaintiffs' motion for an order re: ESI.
11 9/9/2020	Last day for Rite Aid to file opposition to California's motion for order to show cause and sanctions.
12 9/9/2020	Last day for the parties to file joint statements on Rite Aid's motion to compel re: interrogatories, California's motion to compel re: RPD Set No. 8, and Plaintiffs' motion for an order re: ESI.
13 9/14/2020	Last day for Plaintiffs to file reply to Rite Aid's opposition to California's motion for order to show cause and sanctions.
14 9/16/2020, 15 10:00 a.m.	Hearing of Rite Aid's motion to compel re: interrogatories, California's motion to compel re: RPD Set No. 8, Plaintiffs' motion for an order re: ESI, and California's motion for an order to show cause and sanctions.

16 IT IS SO ORDERED.

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18 DATED: August 26, 2020.

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20 EDMUND F. BRENNAN
21 UNITED STATES MAGISTRATE 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 BRIEFING AND HEARING SCHEDULE OF CERTAIN DISCOVERY MOTIONS; [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 8/26/2020, 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.

8/26/2020 Sharon Brecht /s/ Sharon Brecht

Date Printed Name Signature