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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.

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

ORDER

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

Plaintiffs,

v.

RITE AID CORPORATION,

Defendant.

This case was before the court on October 14, 2020, for hearing on four discovery related motions: (1) defendant Rite Aid’s motion to compel plaintiff-intervenor State of California to provide further responses to interrogatories (ECF No. 328); (2) California’s motion to compel Rite Aid to provide further responses to its Requests for Production of Documents, Set 8 (ECF No. 331); (3) California’s motion for sanctions against Rite Aid (ECF No. 333); and (4) plaintiffs’

1 motion to compel production of electronically stored information (ECF No. 340). California
2 Deputy Attorneys General Emmanuel Salazar, Bernice Yew, and Vincent DiCarolo appeared on
3 behalf of California. Attorney Jennifer Bartlett appeared on behalf of the relator, and attorneys
4 Benjamin Smith, Kevin Papay, and Ryan McCarthy appeared on behalf of Rite Aid.

5 For the reasons stated on the record, it is hereby ORDERED that:

6 1. Rite Aid's motion to compel California to provide further responses to interrogatories
7 (ECF No. 328) is granted as follows:

8 a. By October 19, 2020, California shall provide Rite Aid a list specifically
9 identifying each of the prescription records for the approximately 65 percent of sample claims
10 that are illegible or difficult to read.

11 b. On or before November 16, 2020, Rite Aid shall produce the prescription
12 records, in the format providing the best available clarity, for each of the sample claims identified
13 on California's list.

14 c. By no later than December 31, 2020, California shall provide supplemental
15 responses to Rite Aid's Interrogatories 3-5, 7-9, and 13.

16 2. California's motion to compel Rite Aid to produce further responses to its Request for
17 Production of Documents, Set 8 (ECF No. 331) is granted. By no later than November 16, 2020,
18 Rite Aid shall produce all documents responsive to RPD Nos. 69, 72, 75, 84, 88, and 121-123,
19 subject to California's qualification that RPD Nos. 69, 72, 75, 84 seek only documents that
20 "actually discuss, reflect, or documents" delegations or authorizations.

21 3. Plaintiffs' motion to compel the production of electronically stored information (ECF
22 No. 340) is denied as moot.

23 4. California's motion for sanctions (ECF No. 333) is denied.

24 DATED: October 16, 2020.

25 

26 EDMUND F. BRENNAN
27 UNITED STATES MAGISTRATE JUDGE
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