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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
DEADLINES RE: RITE AID
CORPORATION'S PRODUCTION OF
PHARMACY RECORD SCREENSHOTS
AND STATE OF CALIFORNIA'S
SUPPLEMENTAL RESPONSES TO
CONTENTION INTERROGATORIES**

ECF No. 365

1 **JOINT MOTION TO AMEND DEADLINES RE: RITE AID CORPORATION'S**
2 **PRODUCTION OF PHARMACY RECORD SCREENSHOTS AND STATE OF**
3 **CALIFORNIA'S SUPPLEMENTAL RESPONSES TO CONTENTION**
4 **INTERROGATORIES**

5 Plaintiff-Intervenor State of California ("California") and Defendant Rite Aid Corporation
6 ("Rite Aid") hereby jointly move the Court to extend by approximately two weeks the deadlines
7 regarding Rite Aid's production of pharmacy record screenshots and California's supplemental
8 responses to contention interrogatories. *See* ECF No. 365 at 2.

9 On October 16, 2020, the Court ordered California by October 19, 2020 to provide Rite Aid
10 a list specifically identifying each of the prescription records for the approximately 65 percent of
11 sample claims that are illegible or difficult to read. The estimate was based on California's
12 calculation in connection with Rite Aid's motion for supplemental responses to contention
13 interrogatories (ECF No. 328) and California's motion for sanctions (ECF No. 333). While
14 California was finalizing the list, it found it made a calculation error which increased the number
15 of affected sample claims to 85 percent. California informed Rite Aid about the error and the
16 resulting increase when it provided the list of affected sample claims on October 19, 2020.

17 Due to the increase, Rite Aid believes it will need two additional weeks to produce the
18 requested prescription records. In turn, California believes it will need two additional weeks to
19 provide supplemental responses to Rite Aid's Interrogatories 3-5, 7-9, and 13.

20 Therefore, California and Rite Aid jointly move to amend the court order, ECF No. 365, as
21 follows:

Event	Original Deadline	Amended Deadline
Rite Aid shall produce the prescription records, in the format providing the best available clarity, for each of the sample claims identified on California's list	November 16, 2020	November 30, 2020
California shall provide supplemental responses to Rite Aid's Interrogatories 3-5, 7-9, and 13	December 31, 2020	January 15, 2021

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Respectfully submitted,

Dated: 10/26/2020

XAVIER BECERRA
Attorney General of California

/s/ Emmanuel R. Salazar

EMMANUEL R. SALAZAR
Deputy Attorney General
Attorneys for Plaintiff State of California

Dated: 10/26/2020

MORGAN, LEWIS & BOCKIUS, LLP

/s/ Kevin M. Papay (as authorized on 10/26/2020)

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1 **[PROPOSED] ORDER**

2 Upon consideration of the Joint Motion to Amend Deadlines re: Rite Aid Corporation's
3 Production of Pharmacy Record Screenshots and the State of California's Supplemental
4 Responses to Contention Interrogatories, finding good cause, IT IS ORDERED that ECF No. 365
5 is amended as follows:

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Event	Original Deadline	Revised Deadline
Rite Aid shall produce the prescription records, in the format providing the best available clarity, for each of the sample claims identified on California's list	November 16, 2020	November 30, 2020
California shall provide supplemental responses to Rite Aid's Interrogatories 3-5, 7-9, and 13	December 31, 2020	January 15, 2021

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13 IT IS SO ORDERED.

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15 Date: October 28, 2020.


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:

JOINT MOTION TO AMEND DEADLINES RE: RITE AID CORPORATION'S PRODUCTION OF PHARMACY RECORD SCREENSHOTS AND STATE OF CALIFORNIA'S SUPPLEMENTAL RESPONSES TO CONTENTION INTERROGATORIES

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 10/28/2020, 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.

10/28/2020	Sharon Brecht	/s/ Sharon Brecht
<i>Date</i>	<i>Printed Name</i>	<i>Signature</i>