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 RITE AID CORPORATION  
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10 UNITED STATES DISTRICT COURT  
 11 EASTERN DISTRICT OF CALIFORNIA

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

15 Plaintiffs,

16 vs.

17 RITE AID CORPORATION,

18 Defendant.

19 STATE OF CALIFORNIA, *ex rel.* LOYD  
 20 F. SCHMUCKLEY, JR.,

21 Plaintiffs,

22 vs.

23 RITE AID CORPORATION,

24 Defendant.

Case No. 2:12-cv-01699-KJM-EFB

**JOINT MOTION TO AMEND  
 DEADLINES RE: RITE AID  
 CORPORATION'S PRODUCTION OF  
 DOCUMENTS RESPONSIVE TO  
 CALIFORNIA RPD NOS. 69, 72, 75, 84, 88,  
 AND 121-123**

**[ECF NOS. 365, 376]**

1 Plaintiff-Intervenor State of California (“California”) and Defendant Rite Aid Corporation  
2 (“Rite Aid”) (together, the “Parties”) jointly move for an order amending the deadline for Rite  
3 Aid to comply with the part of the Court’s November 13, 2020 order (ECF No. 376) requiring  
4 Rite Aid to produce all documents responsive to California’s Request for Production (“RPD”)  
5 Nos. 69, 72, 75, 84, 88, and 121-123 by December 7, 2020. The parties request that the foregoing  
6 deadline be extended to December 31, 2020.

7 On November 9, 2020, the Parties jointly moved for a three-week extension to the original  
8 deadline for Rite Aid to produce the above-referenced documents. ECF No. 375 (requesting an  
9 extension of deadlines set in ECF No. 365). That request was based on an unanticipated power  
10 outage at Rite Aid’s corporate headquarters, which impeded the search for and collection of hard-  
11 copy documents maintained at Rite Aid’s corporate headquarters that may be responsive to the  
12 above-referenced document requests. *See* ECF No. 375. The Court granted that motion and set  
13 December 7, 2020 as the new deadline for Rite Aid to produce responsive documents. ECF No.  
14 376.

15 The present motion is made on the following grounds. At the time of the Parties’  
16 November 9, 2020 motion, Rite Aid believed that the power outage at its corporate headquarters  
17 would be resolved with sufficient time to locate, collect, review, and produce any responsive  
18 documents covered by the Court’s order by December 7, 2020. *See* accompanying Declaration of  
19 Ron S. Chima ¶¶ 4-5. Subsequent efforts to locate and collect these documents, however, have  
20 been unsuccessful due to the continuing power outage. *Id.* ¶ 6. To date, power at Rite Aid’s  
21 corporate headquarters still has not been restored. *Id.* ¶ 7. Efforts to restore power are ongoing,  
22 and power is expected to be fully restored on or about December 11, 2020. *Id.* ¶ 8. Rite Aid  
23 believes that if power is restored on or shortly after December 11, 2020, it will be able to  
24 complete to search, collection, review, and production of documents responsive to RPD Nos. 69,  
25 72, 75, 84, 88, and 121-123 by December 31, 2020.

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1 Therefore, Rite Aid moves to amend the court order, ECF No. 365, as follows:

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Event	Current Deadline (ECF No. 376)	Amended Deadline
3 Rite Aid shall produce all 4 documents responsive to California 5 RPD Nos. 69, 72, 75, 84, 88, and 6 121-123, subject to California's 7 qualification that RPD Nos. 69, 72, 8 75, 84 seek only documents that "actually discuss, reflect, or documents" delegations or authorizations.	December 7, 2020	December 31, 2020

9 Relying, in good faith, on Rite Aid's representations and accompanying declaration,  
10 California joins the motion.

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12 Respectfully Submitted,

13 Dated: December 3, 2020

XAVIER BECERRA  
Attorney General of the State of California

*/s/ Emmanuel R. Salazar (as authorized on 12/3/20)*

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STATE OF CALIFORNIA

Dated: December 3, 2020

MORGAN, LEWIS & BOCKIUS LLP

*/s/ Kevin M. Papay*

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Attorneys for Defendant  
RITE AID CORPORATION

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**[PROPOSED] ORDER**

Upon consideration of Plaintiff-Intervenor State of California (“California”) and Defendant Rite Aid Corporation’s (“Rite Aid”) Joint Motion To Amend Deadlines Re: Rite Aid Production of Documents Responsive to California’s RPD Nos. 69, 72, 75, 84, 88, and 121-123, and finding good cause, IT IS ORDERED that ECF No. 376 is amended as follows:

Event	Current Deadline (ECF No. 376)	Amended Deadline
Rite Aid shall produce all documents responsive to California RPD Nos. 69, 72, 75, 84, 88, and 121-123, subject to California’s qualification that RPD Nos. 69, 72, 75, 84 seek only documents that “actually discuss, reflect, or documents” delegations or authorizations.	December 7, 2020	December 31, 2020

IT IS SO ORDERED.

Dated: December 9, 2020.

  
 EDMUND F. BRENNAN  
 UNITED STATES MAGISTRATE JUDGE