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12
 13 UNITED STATES DISTRICT COURT

14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15
 16 UNITED STATES OF AMERICA, and the
 17 STATE OF CALIFORNIA, et al., ex rel. LOYD
 F. SCHMUCKLEY, JR.

18 Plaintiffs,

19 vs.

20 RITE AID CORPORATION, RITE AID
 21 HDQTRS. CORP., THRIFTY PAYLESS, INC.

22 Defendants.

23 STATE OF CALIFORNIA *ex rel.* LOYD F.
 24 SCHMUCKLEY, JR.,

25 Plaintiffs,

26 Vs.

27 RITE AID CORPORATION, RITE AID
 HDQTRS. CORP., THRIFTY PAYLESS, INC.

28 Defendants.

Case No.: 2:12-cv-1699 KJM JDP

**PLAINTIFFS' REQUEST FOR
 FURTHER STATUS CONFERENCE;
 ORDER**

Date: September 30, 2021

Time: 2:30 P.M.

Judge: Hon. Kimberly J. Mueller

1 TO THE COURT AND ALL PARTIES, PLEASE TAKE NOTICE THAT pursuant to
2 Federal Rule of Civil Procedure 16 and Local Rule 240, Plaintiffs State of California
3 (“California”) and Relator Loyd F. Schmuckley, Jr., request a further status conference to be held
4 on September 30, 2021, 2:30 p.m., to brief the Court about and discuss the following:

- 5 1. the appropriateness and timing of summary adjudication under Fed. R. Civ. P. 56,
6 and other anticipated motions;
- 7 2. anticipated or outstanding discovery and the control and scheduling of discovery,
8 and other orders affecting discovery, including the possibility of having to conduct depositions of
9 more than 1,700 pharmacy associates;
- 10 3. the avoidance of unnecessary proof and of cumulative evidence, and limitations or
11 restrictions on the use of testimony under Federal Rule of Evidence 702;
- 12 4. further proceedings, including setting dates for further conferences, for the
13 completion of motions and discovery and for pretrial and trial;
- 14 5. the prospects for settlement and the use of special procedures to assist in resolving
15 the dispute;
- 16 6. the appropriateness of alternate dispute resolution, such as this District’s Voluntary
17 Dispute Resolution Program (VDRP), or any other alternative dispute resolution procedure; and
- 18 7. any other matters that may facilitate the just, speedy and inexpensive
19 determination of the action.

20 Pursuant to Local Rule 240, the parties will submit a joint status report no later than
21 September 14, 2021.

22 The parties have been meeting and conferring on the above matters through video
23 conferences, telephone conferences, and written correspondence.

24 The Court last held a status conference on March 23, 2018. Fact discovery will close on
25 December 3, 2021. Given the above issues, Plaintiffs believe that providing the Court with the
26 parties’ progress and pending concerns at this juncture would help the parties and the Court
27 manage the case in preparation for dispositive motions and/or trial.

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Respectfully submitted,

Dated: August 26, 2021

ROB BONTA
Attorney General of the State of California

By /s/ Emmanuel R. Salazar

Emmanuel R. Salazar
Deputy Attorney General
Attorneys for Plaintiff-Intervenor STATE OF CALIFORNIA

Dated: August 26, 2021

WATERS & KRAUS, LLP

By /s/ Paul Lawrence (authorized on 8/25/2021)

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LOYD F. SCHMUCKLEY, JR.

ORDER

The Court, having considered Plaintiffs' Request for Further Status Conference, ORDERS THAT a further status conference is scheduled for September 30, 2021, 2:30 p.m. The parties will submit no later than September 14, 2021 a joint status report to discuss the following:

1. the appropriateness and timing of summary adjudication under Fed. R. Civ. P. 56, and other anticipated motions;
2. anticipated or outstanding discovery and the control and scheduling of discovery, and other orders affecting discovery, including the possibility of having to conduct depositions of more than 1,700 pharmacy associates;
3. the avoidance of unnecessary proof and of cumulative evidence, and limitations or restrictions on the use of testimony under Federal Rule of Evidence 702;
4. further proceedings, including setting dates for further conferences, for the completion of motions and discovery and for pretrial and trial;
5. the prospects for settlement and the use of special procedures to assist in resolving the dispute;
6. the appropriateness of alternate dispute resolution, such as this District's Voluntary Dispute Resolution Program (VDRP), or any other alternative dispute resolution procedure; and
7. any other matters that may facilitate the just, speedy and inexpensive determination of the action.

IT IS SO ORDERED.

DATED: September 3, 2021



CHIEF UNITED STATES DISTRICT JUDGE