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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, and the
STATE OF CALIFORNIA, et al., ex rel. LLOYD
F. SCHMUCKLEY, JR.

Plaintiffs,

vs.

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

Defendants.

STATE OF CALIFORNIA *ex rel.* LLOYD F.
SCHMUCKLEY, JR.,

Plaintiffs,

Vs.

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

Defendants.

Case No.: 2:12-cv-1699 KJM JDP
STIPULATION REGARDING RITE
AID’S AGREEMENT TO ANSWER
CALIFORNIA’S INTERROGATORY
NO. 11; ORDER
ECF NO. 423

RECITALS

WHEREAS, Plaintiff-in-Intervention State of California (“California”) and Defendants Rite Aid Corporation, Rite Aid Hdqtrs. Corp. and Thrifty Payless, Inc. (“Rite Aid”) (collectively, “Parties”) wish to enter into this Stipulation in order to resolve their dispute regarding Rite Aid’s response to California’s Interrogatory No. 11.

1 WHEREAS, on April 8, 2021, California served “Plaintiff State of California’s Rule 36
2 Requests for Admission to Defendant Rite Aid Corporation, Set No. 3” (“Requests for
3 Admission”). A true and correct copy of the Requests for Admission is attached as **Exhibit “A.”**

4 WHEREAS, California’s Request for Admission No. 53 states: “Separately for each
5 **SAMPLE CLAIM:** Admit that during the **DISPENSING** of the **SAMPLE CLAIM RITE AID** did
6 not perform a **CODE 1 REVIEW.**”

7 WHEREAS, for purposes of Request for Admission No. 53: “**CODE 1 REVIEW**” was
8 defined as “the pharmacy’s act(s) of verifying that the **CODE 1 RESTRICTIONS** have been met,
9 e.g., the beneficiary has the required diagnosis, or meets the other conditions listed in the CDL.
10 *See CII & FACII, ¶¶ 89-93; FAA, ¶¶ 89-93.*”

11 WHEREAS, on April 8, 2021, California served “Plaintiff State of California’s Rule 33
12 Interrogatories to Defendant Rite Aid Corporation, Set No. 2” (“Interrogatories”) on Defendant
13 Rite Aid Corporation. A true and correct copy of the Interrogatories is attached as **Exhibit “B.”**

14 WHEREAS, California’s Interrogatory No. 11 states: “If **RITE AID**’s response to
15 **CALIFORNIA**’s Request for Admission No. 53 is anything other than an unqualified admission,
16 **IDENTIFY** all facts, **WITNESSES** and **DOCUMENTS** that support **RITE AID**’s response.”

17 WHEREAS, on April 7, 2021, the Court granted California’s Motion to Amend its
18 Complaint-in-Intervention and deemed its First Amended Complaint to be filed naming additional
19 Defendants Rite Aid Hdqtrs. Corp. and Thrifty Payless, Inc. (ECF 400).

20 WHEREAS, pursuant to the stipulated order entered by the Court on June 8, 2021 (ECF
21 409), Defendants Rite Aid Hdqtrs. Corp. and Thrifty Payless, Inc. agreed to respond to the above-
22 referenced Requests for Admission and Interrogatories “jointly with Rite Aid Corporation on the
23 response deadline(s) agreed to by the parties.”

24 WHEREAS, on June 16, 2021 Defendants served responses to the above-referenced
25 Requests for Admission and Interrogatories wherein they denied Request for Admission No. 53
26 for each of the 1,904 claims in Plaintiffs’ court-approved statistical sample and objected to
27 Interrogatory No. 11 on multiple grounds without providing a substantive response.

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Attorney General of the State of California

Dated: October 13, 2021

By /s/ Kevin Davis
Kevin C. Davis
Deputy Attorney General
Attorneys for Plaintiff-Intervenor STATE OF CALIFORNIA

MORGAN, LEWIS & BOCKIUS LLP

Dated: October 13, 2021

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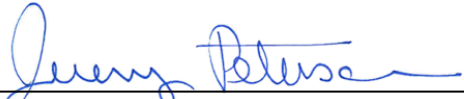
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ORDER

The parties' stipulation, ECF No. 423, is construed as a motion and granted.

IT IS SO ORDERED.

Dated: October 20, 2021



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE