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 13 UNITED STATES DISTRICT COURT

14 FOR THE EASTERN DISTRICT OF CALIFORNIA

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

17 Plaintiffs,

18 vs.

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

21 Defendants.

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

24 Plaintiffs,

25 Vs.

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

27 Defendants.  
 28

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

**JOINT STIPULATION TO AMEND  
 SCHEDULING ORDER; ORDER**

1 **RECITALS**

2 WHEREAS, the parties agreed to enter into mediation which was originally scheduled for  
3 December 21, 2021 before Barbara Reeves of JAMS;

4 WHEREAS, on November 18, 2021, the Court approved the parties' stipulation to enter  
5 into mediation (ECF No. 429);

6 WHEREAS, the parties mutually agreed to move the mediation date to January 5, 2021;

7 WHEREAS, the parties agreed that Plaintiff State of California ("California") would  
8 provide certain additional information regarding the nature and scope of its claimed damages to  
9 Rite Aid Corporation, Rite Aid Hdqtrs. Corp., and Thrifty Payless, Inc. ("Defendants") to  
10 facilitate the mediation, which California provided on December 23, 2021;

11 WHEREAS, due to unforeseen personal circumstances, Defendants' statistical expert  
12 became unavailable to analyze the above-referenced materials provided by California and prepare  
13 for the January 5, 2021 mediation;

14 WHEREAS, pursuant to the October 29, 2021 stipulated order entered in this action (ECF  
15 No. 427), Defendants identified additional pharmacy associates on December 15, 2021 whom  
16 Defendants may potentially call as witnesses in this matter and whom Plaintiff State of California  
17 ("California") intends to depose;

18 WHEREAS, the parties have continued to schedule and conduct depositions of current  
19 and former pharmacy associates on a rolling basis;

20 WHEREAS, California intends to depose approximately 16 additional current and former  
21 pharmacy associates;

22 WHEREAS, California has issued a 30(b)(6) deposition notice on Defendants and has  
23 expressed its intent to depose around 13 corporate fact witnesses;

24 WHEREAS, Defendants have issued a deposition subpoena on the Department of Health  
25 Care Services and a 30(b)(6) deposition notice on the Division of Medi-Cal Fraud and Elder  
26 Abuse;

27 WHEREAS, Defendants expect that at least 2 persons would testify on behalf of  
28 Defendants regarding the listed subject matters in California's 30(b)(6) deposition notice;

1 WHEREAS, the Department of Health Care Services identified at least 8 persons who  
2 would testify regarding the subject matters in Defendants' deposition subpoena;

3 WHEREAS, the parties and the Department of Health Care Services are continuing to  
4 meet and confer regarding pending discovery;

5 WHEREAS, the parties recognize the remaining time and pending discovery tasks in  
6 order to comply with the current scheduling order; and

7 WHEREAS, the parties recognize the time and costs associated with litigation and the  
8 possibility of resolving the Government's False Claims Act causes of action by way of private  
9 mediation.

10 **STIPULATION**

11 THE PARTIES, BY AND THROUGH THEIR RESPECTIVE COUNSEL, THEREFORE  
12 HEREBY STIPULATE AND AGREE TO THE FOLLOWING:

13 The parties agree to conduct the mediation on February 8, 2022 and any other additional  
14 day as needed, if the parties in good faith believe resolution is still possible.

15 The parties agree that other than the mediation date, the provisions in ECF No. 429 apply;

16 The parties agree to amend the scheduling order as follows:

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Event	Current Deadline	Proposed Modified Date
Close of Fact Discovery	March 4, 2022	June 3, 2022
Expert Disclosures (other than sampling methodology/design)	May 6, 2022	August 5, 2022
Rebuttal expert disclosures (other than sampling methodology/design)	June 10, 2022	September 2, 2022
Expert discovery completed	July 15, 2022	October 14, 2022
Last day to hear dispositive motion	January 13, 2023	April 14, 2023

24 IT IS SO STIPULATED.

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Respectfully submitted,

Dated: January 5, 2022

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: January 5, 2022

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Dated: January 5, 2022

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**ORDER**

The Court, having considered the Joint Stipulation to Amend Scheduling Order, finds good cause and ORDERS THAT the Joint Stipulation to Amend Scheduling Order is approved and FURTHER ORDERS THAT

1. The parties shall attend the mediation on February 8, 2022 and any other additional day as needed.
2. Other than the mediation date the provisions in ECF No. 429 continue to apply.
3. The scheduling order is amended as follows:

Event	Current Deadline	Proposed Modified Date
Close of Fact Discovery	March 4, 2022	June 3, 2022
Expert Disclosures (other than sampling methodology/design)	May 6, 2022	August 5, 2022
Rebuttal expert disclosures (other than sampling methodology/design)	June 10, 2022	September 2, 2022
Expert discovery completed	July 15, 2022	October 14, 2022
Last day to hear dispositive motion	January 13, 2023	April 21, 2023

IT IS SO ORDERED.

DATED: January 13, 2022.

  
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CHIEF UNITED STATES DISTRICT JUDGE