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12
 13 UNITED STATES DISTRICT COURT
 14 FOR THE EASTERN DISTRICT OF CALIFORNIA
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16 UNITED STATES OF AMERICA, and the
 17 STATE OF CALIFORNIA, et al., ex rel. LLOYD
 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.* LLOYD 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

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

1 **RECITALS**

2 WHEREAS, Plaintiff State of California (“California”) has issued a 30(b)(6) deposition
3 notice on Defendants Rite Aid Corporation, Rite Aid Hdqtrs. Corp., and Thrifty Payless, Inc.
4 (together, “Defendants”) and has expressed its intent to depose around 13 corporate fact
5 witnesses;

6 WHEREAS, Defendants assert that at least 3 persons would testify on behalf of
7 Defendants regarding the listed subject matters in California’s 30(b)(6) deposition notice;

8 WHEREAS, the parties at the time of this filing have conducted at least 2 depositions of
9 Defendants’ corporate fact witnesses;

10 WHEREAS, the parties have met and conferred and need to resolve Defendants’ privilege
11 assertions regarding certain documents that involved several of Defendants’ corporate fact
12 witnesses and 30(b)(6) witnesses;

13 WHEREAS, California moved for in camera review of said documents and on May 5,
14 2022, the Court granted California’s motion and ordered Defendants to produce said documents
15 in camera on May 12, 2022 with supporting declarations and California to file a response to the
16 declarations on May 19, 2022;

17 WHEREAS, for efficiency with respect to the corporate fact witnesses involved with said
18 documents, the parties believe that depositions of these corporate fact witnesses should be
19 conducted after the Court has resolved the disputes concerning Defendants’ asserted privileges,
20 i.e., whether to find said documents privileged or order Defendants to produce said documents;

21 WHEREAS, Defendants have issued a deposition subpoena on the Department of Health
22 Care Services;

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

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

27 WHEREAS, Defendants have issued a 30(b)(6) deposition notice on the Division of
28 Medi-Cal Fraud and Elder Abuse (“DMFEA”);

1 WHEREAS, California has objected to Defendants' 30(b)(6) deposition notice on
2 DMFEA and the parties are continuing to meet and confer regarding California's objections; and

3 WHEREAS, the parties recognize the remaining time and pending discovery tasks in
4 order to comply with the current scheduling order.

5 **STIPULATION**

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

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

9

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

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17 IT IS SO STIPULATED.

18 Respectfully submitted,

19 Dated: May 12, 2022

20 ROB BONTA
Attorney General of the State of California

21 By /s/ Emmanuel R. Salazar

22 Emmanuel R. Salazar

23 Deputy Attorney General

24 Attorneys for Plaintiff-Intervenor STATE OF CALIFORNIA

25 Dated: May 12, 2022

26 BARTLETT BARROW LLP

27 By /s/ Jennifer L. Bartlett (authorized on 5/12/2022)

28 Jennifer L. Bartlett

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Attorneys for *Qui Tam* Plaintiff
LOYD F. SCHMUCKLEY, JR.

Dated: May 12, 2022

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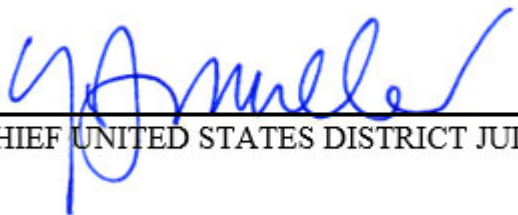
ORDER

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 the scheduling order is amended as follows:

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

IT IS SO ORDERED.

DATED: May 19, 2022.



CHIEF UNITED STATES DISTRICT JUDGE