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12 UNITED STATES DISTRICT COURT
 13 FOR THE EASTERN DISTRICT OF CALIFORNIA

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

17 Plaintiffs,

18 vs.

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

20 Defendants.

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

23 Plaintiffs,

24 Vs.

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

26 Defendants.

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

JOINT STIPULATION TO AMEND SCHEDULING ORDER; ORDER

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RECITALS

WHEREAS, Plaintiff State of California as represented in this action by the Division of Medi-Cal Fraud and Elder Abuse (“DMFEA”) under the Office of the Attorney General and Defendants Rite Aid Corporation, Rite Aid Hdqtrs. Corp., and Thrifty Payless, Inc. (together, “Defendants”) (collectively, “Parties”) have met and conferred and have identified sixteen remaining witnesses who the Parties plan to depose prior to the close of fact discovery;

WHEREAS, due to the locations of the witnesses, California plans to conduct in-person depositions of six additional witnesses employed or previously employed by Defendants within the allowable distance from the witnesses’ residences: one witness in southern California, three witnesses around Harrisburg, Pennsylvania, one witness in Cincinnati, Ohio, one witness in Tampa, Florida; and to conduct a remote continued deposition of one Rite Aid witness;

WHEREAS, Defendants plan to conduct remote video depositions of around eight witnesses employed or contracted by third-party California Department of Health Care Services (“DHCS”) related to a deposition subpoena Rite Aid served on January 26, 2023, and one witness employed by DMFEA related to topics 16-18 of a deposition notice served on December 7, 2021;

WHEREAS, the current deadline to complete fact discovery per the Court’s August 25, 2022 amendment to the Scheduling Order is March 2, 2023 (ECF 460);

WHEREAS, due to numerous factors including the availability of the parties’ counsel, the availability of third-party witnesses, the availability of counsel for third-party witnesses, travel logistics, and the number of depositions to be taken, the Parties have coordinated and agreed upon a schedule to complete all sixteen depositions by no later than March 31, 2023;

WHEREAS, in order to complete the remaining depositions per the schedule agreed to by the Parties, the Parties require and hereby request that the Court amend the Scheduling Order to permit a short, four-week extension of the fact discovery cutoff to March 31, 2023 for the purpose of completing the remaining agreed-upon depositions of 7 Rite Aid witnesses, 1 DMFEA witness, and around 8 DHCS witnesses, as well as a corresponding extension of case deadlines following the close of fact discovery;

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STIPULATION

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

The parties agree to amend the scheduling order as follows:

Event	Current Deadline	Proposed Modified Deadline
Close of Fact Discovery	March 2, 2023	Remains the Same
Close of Fact Discovery for Purposes of Completing Remaining Depositions of Agreed Upon Fact Witnesses	March 2, 2023	March 31, 2023
Last day to hear any motion related to depositions	N/A	May 5, 2023
Expert Disclosures (other than sampling methodology/design)	May 5, 2023	June 5, 2023
Rebuttal expert disclosures (other than sampling methodology/design)	June 2, 2023	July 7, 2023
Expert discovery completed	July 7, 2023	August 9, 2023
Last day to hear dispositive motion	January 12, 2024	February 13, 2024

IT IS SO STIPULATED.

Respectfully submitted,

Dated: February 6, 2023

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: February 6, 2023

WATERS & KRAUS, LLP

By /s/ Jennifer L. Bartlett (authorized on 2/5/2023)
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Attorneys for *Qui Tam* Plaintiff
LOYD F. SCHMUCKLEY, JR.

Dated: February 6, 2023

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1 **ORDER**

2 The court, having considered the Joint Stipulation to Amend Scheduling Order and good
3 cause appearing, **grants** the stipulated request to amend the scheduling and amends the
4 scheduling order as follows:

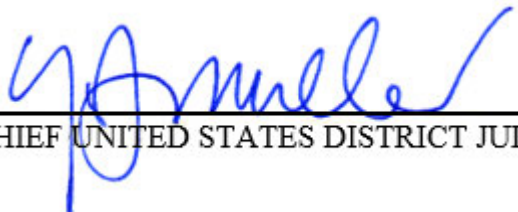
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Event	Current Deadline	Modified Deadline
Close of Fact Discovery	March 2, 2023	Remains the same
Close of Fact Discovery for Purposes of Completing Depositions of 16 Agreed Upon Fact Witnesses	March 2, 2023	March 31, 2023
Last day to hear any motion related to depositions	N/A	May 19, 2023 ¹
Expert Disclosures (other than sampling methodology/design)	May 5, 2023	June 5, 2023
Rebuttal expert disclosures (other than sampling methodology/design)	June 2, 2023	July 7, 2023
Expert discovery completed	July 7, 2023	August 9, 2023
Last day to hear dispositive motion	January 12, 2024	February 16, 2024 ²

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15 **IT IS SO ORDERED.**

16 DATED: February 8, 2023.

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19 _____
20 CHIEF UNITED STATES DISTRICT JUDGE

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28 ¹ The parties' identified date of May 5, 2023, is not a viable hearing date.

² The parties' identified date of February 13, 2024, is not a viable hearing date.