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11			
12	UNITED STATES DISTRICT COURT		
13	FOR THE EASTERN DISTRICT OF CALIFORNIA		
14			
15	UNITED STATES OF AMERICA, and the	Case No.: 2:12-cv-1699 KJM JDP	
16	STATE OF CALIFORNIA, et al., ex rel. LLOYD F. SCHMUCKLEY, JR.	JOINT STIPULATION TO AMEND	
17	Plaintiffs,	SCHEDULING ORDER; ORDER	
18	vs.		
19	RITE AID CORPORATION, RITE AID HDQTRS. CORP., THRIFTY PAYLESS, INC.		
20			
21	Defendants.		
22	STATE OF CALIFORNIA <i>ex rel</i> . LLOYD F. SCHMUCKLEY, JR.,		
23	Plaintiffs,		
24	Vs.		
25	RITE AID CORPORATION, RITE AID		
26	HDQTRS. CORP., THRIFTY PAYLESS, INC.		
27	Defendants.		
28			
		Case No.: 2:12-cv-1699 KJM JDP	

JOINT STIPULATION TO AMEND SCHEDULING ORDER; ORDER

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## RECITALS

WHEREAS, the Parties, 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, Relator Loyd F. Schmuckley, Jr., and Defendants Rite Aid Corporation, Rite Aid Hdqtrs. Corp., and Thrifty Payless, Inc. conducted several depositions of Defendants' corporate witnesses and designated witnesses of the Department of Health Care Services from February to April 2023;

WHEREAS, the Parties are still receiving the final transcripts and verifications from these depositions;

WHEREAS, DMFEA's pharmacy expert needs to review some of the final transcripts in conjunction with the review of pharmacy records in connection with 1,904 sample claims;

WHEREAS, DMFEA's medical expert needs additional time to finish the review of medical records in connection with 885 sample claims;

WHEREAS, DMFEA's statistical expert needs to receive the findings from DMFEA's pharmacy expert and medical expert to complete the statistical analysis;

WHEREAS, on April 26, 2023, DMFEA asked the Parties for a short two-week extension of all related deadlines in the scheduling order as outlined below;

WHEREAS, Defendants requested additional time to respond to DMFEA's expert witness designations; and

WHEREAS, the Parties in good faith have met and conferred;

## 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
Expert disclosures (other than	June 5, 2023	June 19, 2023
sampling		
methodology/design)		

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

1	Rebuttal expert disclosures (other than sampling	July 7, 2023	August 4, 2023	
2	methodology/design)			
3	Expert discovery completed	August 9, 2023	September 15, 2023	
4	Last day to hear dispositive motion	February 16, 2024	March 29, 2024	
5		this contact the term "den	dline" means to conduct all denositions	
$\begin{bmatrix} 5 \\ 6 \end{bmatrix}$	The parties agree that in this context, the term "deadline" means to conduct all depositions			
7	(where applicable) and resolve any disputes relative to discovery by appropriate order if			
	necessary, and where discovery has been ordered, to obey the order.			
8	IT IS SO STIPULATED.			
9		Respectfully submit	ted,	
10	Dated: April 27, 2023	ROB BONTA		
11		Attorney General of the State of California		
12		By <u>/s/ Emmanuel F</u> Emmanuel R. S		
13		Deputy Attorne		
14		Attorneys for P	laintiff-Intervenor STATE OF	
	Dated: April 27, 2023	CALIFORNIA		
15	Dated. April 27, 2023	WATERS & KRAU	JS, LLP	
16		By /s/ Wm. Paul La	wwrence, II (authorized on 4/27/23)	
17		Wm. Paul Law	•	
18		plawrence@wa Waters & Krau		
19		37163 Mountvi		
20		Middleburg, VA Telephone: (54)		
			nce@waterskraus.net	
21			Pui Tam Plaintiff	
22		LOYD F. SCH	MUCKLEY, JR.	
23	Dated: April 27, 2023	MORGAN, LEWIS	& BOCKIUS LLP	
24			2. Smith (authorized on 4/27/23)	
25		Benjamin P. Sn Kevin M. Papav		
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		2	Case No.: 2:12-cv-1699 KJM JDP	

## 

**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 Deadline
Expert Disclosures (other	June 5, 2023	June 19, 2023
than sampling		
methodology/design)		
Rebuttal expert disclosures	July 7, 2023	August 4, 2023
(other than sampling		
methodology/design)		
Expert discovery completed	August 9, 2023	September 15, 2023
Last day to hear dispositive	February 16, 2024	March 15, 2024
motion		

The term "deadline" means to conduct all depositions (where applicable) and resolve any disputes relative to discovery by appropriate order if necessary, and where discovery has been ordered, to obey the order.

IT IS SO ORDERED.

DATED: May 3, 2023.

CHIEF UNITED STATES DISTRICT JUDGE

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