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8 Attorneys for Defendants
 9 RITE AID CORPORATION, RITE AID HDQTRS.
 10 CORP, AND THRIFTY PAYLESS, INC.

10 *(Additional counsel listed on signature page)*

11
 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
 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
 27 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, Defendants’ rebuttal experts need additional time to finish their review of the
3 1,000+ pharmacy records and medical records cited and analyzed in the three expert disclosures
4 submitted by Plaintiff State of California as represented in this action by the Division of Medi-Cal
5 Fraud and Elder Abuse (“DMFEA”);

6 WHEREAS, one of Defendants’ rebuttal experts has an upcoming medical surgery that
7 limits his availability to review the above-referenced records and perform supporting analysis;

8 WHEREAS, one of Defendants’ rebuttal experts has upcoming travel that limits his
9 availability to review the above-referenced records and perform supporting analysis;

10 WHEREAS, the parties agree that DMFEA will benefit from additional time to analyze
11 Defendants’ forthcoming rebuttal expert disclosures and supporting evidence;

12 WHEREAS, on July 18, 2023, Defendants asked the Parties for an approximate three-
13 week extension of the deadline to serve rebuttal expert disclosures;

14 WHEREAS, counsel for DMFEA is unavailable from September 19 to October 2, 2023;

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

16 **STIPULATION**

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

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

Event	Current Deadline	Proposed Modified Deadline
Rebuttal expert disclosures (other than sampling methodology/design)	August 10, 2023	August 29, 2023
Expert discovery completed	September 21, 2023	November 3, 2023
Last day to hear dispositive motion	March 29, 2024	May 10, 2024

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24 The parties agree that in this context, the term “deadline” means to conduct all depositions
25 (where applicable) and resolve any disputes relative to discovery by appropriate order if
26 necessary, and where discovery has been ordered, to obey the order.

27 IT IS SO STIPULATED.
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Respectfully submitted,

Dated: July 21, 2023

ROB BONTA
Attorney General of the State of California

By /s/ Emmanuel R. Salazar (authorized on 7/21/23)
Emmanuel R. Salazar
Deputy Attorney General
Attorneys for Plaintiff-Intervenor STATE OF CALIFORNIA

Dated: July 21, 2023

WATERS & KRAUS, LLP

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LOYD F. SCHMUCKLEY, JR.

Dated: July 21, 2023

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1 **ORDER**

2 The Court, having considered the Joint Stipulation to Amend Scheduling Order, finds
3 good cause and orders the Joint Stipulation to Amend Scheduling Order is approved. The court
4 notes this is the parties' seventh request to amend the scheduling order since October 2021. As
5 such, the court will not grant any further requests for extensions save for extraordinary
6 circumstances. *Spurlock v. F.B.I.*, 69 F.3d 1010, 1016 (9th Cir. 1995) (discussing a district
7 court's "inherent authority to manage its docket"). The court **orders the scheduling order is**
8 **amended as follows:**


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Event	Current Deadline	Proposed Modified Deadline
10 Rebuttal expert disclosures 11 (other than sampling methodology/design)	August 10, 2023	August 29, 2023
12 Expert discovery completed	September 21, 2023	November 3, 2023
13 Last day to hear dispositive motion	March 29, 2024	May 10, 2024

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

17 **IT IS SO ORDERED.**

18 DATED: July 24, 2023.

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22 CHIEF UNITED STATES DISTRICT JUDGE