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8 Attorneys for Defendant
 9 RITE AID CORPORATION

10 UNITED STATES DISTRICT COURT
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA, and the
 13 STATE OF CALIFORNIA, et al., ex rel. LOYD F.
 14 SCHMUCKLEY, JR.

15 Plaintiffs,

16 vs.

17 RITE AID CORPORATION,

18 Defendant.

Case No.: 2:12-cv-01699-KJM-EFB

**JOINT STIPULATION AND ORDER
 EXTENDING BRIEFING
 SCHEDULE, HEARING DATE, AND
 PAGE LIMITS RELATED TO
 DEFENDANT RITE AID
 CORPORATION'S CONSOLIDATED
 MOTION TO DISMISS AND
 OPPOSITION BRIEFS**

Complaint Filed: September 21, 2017

19 STATE OF CALIFORNIA *ex rel.* LOYD F.
 20 SCHMUCKLEY, JR.,

21 Plaintiffs,

22 Vs.

23 RITE AID CORPORATION,

24 Defendant.

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1 Plaintiff the State of California (“State”), *qui tam* relator Loyd Schmuckley (“Relator”),
2 and defendant Rite Aid Corporation (“Defendant,” and jointly with State and Relator, the
3 “Parties”) hereby enter into this joint stipulation and proposed order for the Court’s consideration:

4 **RECITALS**

5 **WHEREAS**, the State filed its Complaint-in-Intervention (“State’s Complaint”) with the
6 Court in this action on September 21, 2017 (Dkt. 75) and Defendant agreed to waive service of
7 the State’s Complaint on September 22, 2017 (Dkt. 80);

8 **WHEREAS**, Relator filed his First Amended Complaint (“Relator’s Complaint”) with the
9 Court in this action on September 28, 2017 (Dkt. 79) and Defendant agreed to waive service of
10 the Relator’s Complaint on November 20, 2017 (Dkt. 91);

11 **WHEREAS**, the Parties previously stipulated and this Court entered an order extending
12 the time for Defendant to file a consolidated motion to dismiss the State’s Complaint and
13 Relator’s Complaint to January 19, 2018 (Dkt. 94);

14 **WHEREAS**, the Parties have agreed that good cause exists to extend the time period for
15 the State and Relator to file their opposition briefs in response to Defendants’ consolidated
16 motion to dismiss, and to extend the time period for Defendant to file its reply brief in support of
17 Defendant’s consolidated motion to dismiss;

18 **WHEREAS**, the Parties agree for the purposes of efficiency and judicial economy that
19 good cause exists to extend the page limits for Defendant’s consolidated motions to dismiss to
20 twenty-fives pages so that both the State’s and Relator’s Complaints may be addressed in a single
21 motion;

22 **WHEREAS**, the Parties agree for the purposes of efficiency and judicial economy that, to
23 the extent that Relator and the State choose to file a consolidated opposition to Defendants’
24 consolidated motion to dismiss, good cause exists to extend the page limits for the consolidated
25 opposition to twenty-fives pages, and to extend the page limits of any consolidated reply brief by
26 Defendant to fifteen pages;

27 **WHEREAS**, none of the Parties is waiving any defense, right or claim by entering into
28 this stipulation.

1 **JOINT STIPULATION**

2 **THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:**

3 1. The page limit for Defendant’s consolidated motion to dismiss the State’s and
4 Relator’s Complaint shall not exceed twenty-five pages;

5 2. The State’s and Relator’s opposition briefs to Defendants’ consolidated motion to
6 dismiss shall be due on February 23, 2018;

7 3. To the extent the State and Relator choose to file a consolidated opposition, the
8 page limits of such consolidated opposition shall not exceed twenty-five pages.

9 4. Defendant Rite Aid’s reply brief shall be due on March 16, 2018;

10 5. To the extent the State and Relator file a consolidated opposition brief,
11 Defendant’s consolidated reply brief shall not exceed fifteen pages;

12 6. The hearing on Rite Aid’s motion shall be set for March 23, 2018, or thereafter, in
13 accordance with the Court’s schedule;

14 **IT IS SO STIPULATED.**

15 Dated: December 27, 2017

By /s/ Emmanuel R. Salazar
Emmanuel R. Salazar
Deputy Attorney General

17 Attorneys for STATE OF CALIFORNIA

18 Dated: December 27, 2017

WATERS & KRAUS

20 By /s/ William Paul Lawrence, II
William Paul Lawrence, II

21 Attorneys for *Qui Tam* Plaintiff
22 LOYD F. SCHMUCKLEY

23 Dated: December 27, 2017

MORGAN, LEWIS & BOCKIUS LLP

25 By /s/ Tera M. Heintz
Tera M. Heintz

26 Attorneys for Defendant
27 RITE AID CORPORATION

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ORDER

Based upon the agreement of the Parties, and the Court finding good cause therefor,

IT IS HEREBY ORDERED THAT:

1. The page limit for Defendant’s consolidated motion to dismiss the State’s and Relator’s Complaint shall not exceed twenty-five pages;
2. The State’s and Relator’s opposition briefs to Defendants’ consolidated motion to dismiss shall be due on February 23, 2018;
3. To the extent the State and Relator choose to file a consolidated opposition, the page limits of such consolidated opposition shall not exceed twenty-five pages;
4. Defendant Rite Aid’s reply brief shall be due on March 16, 2018;
5. To the extent the State and Relator file a consolidated opposition brief, Defendant’s consolidated reply brief shall not exceed fifteen pages; and
6. The hearing on Rite Aid’s motion shall be set for March 23, 2018, or thereafter, in accordance with the Court’s schedule.

IT IS SO ORDERED.

DATED: January 17, 2018.


UNITED STATES DISTRICT JUDGE