

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 20 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOHN DOE, One; et al.,

Plaintiffs-Appellants,

v.

CVS PHARMACY, INC.; et al.,

Defendants-Appellees,

and

CAREMARK RX, LLC; CVS HEALTH
CORPORATION,

Defendants.

No. 19-15074

D.C. No. 3:18-cv-01031-EMC
Northern District of California,
San Francisco

ORDER

Before: M. SMITH and HURWITZ, Circuit Judges, and BURGESS,* District Judge.

The parties are ordered to file supplemental letter briefing regarding how—if at all—the court’s opinion in *Schmitt v. Kaiser Foundation Health Plan*, No. 18-35846, affects the disposition of this appeal.

These supplemental letter briefs shall be no longer than ten pages or 2800 words and shall be submitted no later than 14 days after the entry of this Order. Parties registered for ECF must file the supplemental brief electronically

* The Honorable Timothy M. Burgess, Chief United States District Judge for the District of Alaska, sitting by designation.

without submission of paper copies. Parties not registered for ECF must file the original supplemental brief plus seven paper copies.