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UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of

The Kroger Company
a corporation

And

Albertsons Companies, Inc.
a corporation

Respondents

DOCKET NO. 9428

**NON-PARTY STATER BROS. MARKETS' UNOPPOSED MOTION FOR
EXTENSION OF TIME TO MOVE TO LIMIT OR QUASH OR OTHERWISE
RESPOND TO SUBPOENA**

Non-party Stater Bros. Markets (“Stater Bros.”) hereby moves for an extension of time to April 24, 2024, to move to limit or quash or otherwise respond to the subpoena served on Stater Bros by Federal Trade Commission (“Complaint Counsel”) on April 3, 2024 (the “Subpoena”). Complaint Counsel does not oppose the relief requested in this motion.

Complaint Counsel served Stater Bros. with the Subpoena on April 3, 2024, with a production date of April 24, 2024. As a result, pursuant to Rule 3.34(c), the deadline for Stater Bros. to move to limit or quash the Subpoena is April 13, 2024.

Negotiations with Complaint Counsel are ongoing, and Stater Bros. is working in good faith to prepare its response to the Subpoena. Stater Bros. requests an extension of its deadline to move to limit or quash or otherwise respond to the Subpoena pursuant to 16 C.F.R. § 3.34(c) so that Stater Bros. can continue to negotiate and thereby eliminate or narrow any issues that may need to be presented for resolution.

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Pursuant to the March 20, 2024 Scheduling Order, Complaint Counsel has until June 11, 2024 to complete fact discovery, and, therefore, Stater Bros. does not believe the requested extension will delay the progress of these proceedings.

Through communication with Complaint Counsel, Stater Bros. understands that Complaint Counsel does not oppose the relief requested in this motion.

WHEREFORE, for good cause shown, Stater Bros. respectfully requests that Your Honor grant the requested relief pursuant to 16 C.F.R. § 4.3(b).

Dated: April 12, 2024

Respectfully submitted,

/s/ David W. Kesselman

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a corporation,

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**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION FOR EXTENSION OF
TIME TO MOVE TO LIMIT OR QUASH OR OTHERWISE RESPOND TO
SUBPOENA**

On April 12, 2024, non-party Stater Bros. Markets (“Stater Bros.”) filed an Unopposed Motion for Extension of Time to Move to Limit or Quash or Otherwise Respond to a subpoena (“Motion”) served by the United States of America Federal Trade Commission (“Complaint Counsel”) on April 3, 2024.

Under FTC Rule of Practice 3.34(c), any motion to limit or quash a subpoena must be filed within the earlier of ten days of service of the subpoena or the time for compliance therewith. Stater Bros. states that it seeks an extension of time in order to continue its negotiations with Complaint Counsel regarding the subpoena, thereby narrowing or eliminating potential discovery disputes.

FTC Rule 4.3(b) authorizes the Administrative Law Judge, except in circumstances not here presented, to extend any time limit prescribed by the rules “[f]or good cause shown.” 16 C.F.R. § 4.3(b). Based on the representation in the Motion, Stater Bros. has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is

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hereby ORDERED that Stater Bros. deadline for filing any motion to limit or quash or otherwise respond to the subpoena pursuant to Rule 3.34(c) is extended to April 24, 2024.

ORDERED.

Date: April [], 2024

D. Michael Chappell
Chief Administrative Law Judge

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CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2024, I filed the foregoing document electronically using the Federal Trade Commission's e-filing system, which will send notification of such filing to:

April Tabor Secretary
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600 Pennsylvania Ave., NW, Rm. H-113
Washington, D.C. 20580
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge Federal Trade Commission
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Washington, D.C. 20580

I also certify that I caused the foregoing document to be served via email to:

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