

PUBLIC

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

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| _____ |) | |
| In the Matter of |) | |
| |) | |
| The Kroger Company, |) | |
| |) | Docket No. 9428 |
| and |) | |
| |) | |
| Albertsons Companies, Inc., |) | |
| |) | |
| Respondents. |) | |
| _____ |) | |

**ORDER GRANTING SECOND UNOPPOSED MOTION FOR
EXTENSION OF TIME TO MOVE TO QUASH OR LIMIT SUBPOENA**

On May 10, 2024, non-party Heritage Grocers Company, LLC (“Heritage”) filed a second motion to further extend its time to move to quash or limit the subpoena (“Subpoena”) issued by FTC Complaint Counsel on April 9, 2024 (“Motion”). Complaint Counsel does not oppose the relief requested in the Motion.

Under FTC Rule of Practice 3.34(c), any motion to limit or quash a subpoena must be filed within 10 days of receipt of the subpoena. 16 C.F.R. § 3.34(c). Pursuant to FTC Rule 4.3(b), the Administrative Law Judge, except in circumstances not here presented, may extend any time limit prescribed by the rules “[f]or good cause shown.” 16 C.F.R. § 4.3(b).

Based on the representations in the Motion, Heritage has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is hereby ORDERED that Heritage’s deadline for filing any motion to quash or limit or otherwise respond to the Subpoena is further extended to May 24, 2024.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: May 10, 2024