

**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

**UNOPPOSED MOTION OF NON-PARTY BRISTOL FARMS FOR EXTENSION OF
TIME TO FILE A MOTION TO QUASH OR LIMIT SUBPOENA**

Non-Party Bristol Farms moves to extend the time to file a motion to quash or limit a subpoena served on it by Complaint Counsel for the Federal Trade Commission (“Complaint Counsel”). In support thereof, Bristol Farms states as follows:

1. On April 17, 2024, Complaint Counsel sent Bristol Farms, via email, a Subpoena *Duces Tecum* (the “Subpoena”) containing requests for documents, with a response date of May 9, 2024.
2. Pursuant to the Federal Trade Commission’s Rules of Practice, 16 C.F.R. §§ 3.34(c), Bristol Farms has ten (10) days in which to file a motion to quash or to limit the Subpoena from the date of service.
3. Counsel for Bristol Farms and Complaint Counsel are currently engaged in negotiations regarding the scope of the Subpoena and the time required for Bristol Farms to produce responsive documents. The parties' counsel spoke on April 17, 2024, which was the earliest available time to discuss the Subpoena. Counsel for Bristol Farms and Complaint Counsel are scheduled to confer again on April 26, 2024. To facilitate further negotiations,

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Bristol Farms and Complaint Counsel have agreed that Complaint Counsel will not object to Bristol Farms' request to have until May 17, 2024, to file a motion to quash or limit the Subpoena should Bristol Farms and Complaint Counsel be unable to resolve all issues regarding Bristol Farms' response to the Subpoena.

4. Therefore, Bristol Farms requests that this Court grant it until May 17, 2024, to file a motion to quash or limit the Subpoena. Complaint Counsel does not oppose this request.

5. This extension has been agreed upon in order to afford Bristol Farms' counsel sufficient time to negotiate with Complaint Counsel regarding reasonable limitations and modifications of the Subpoena to reduce the burden on Bristol Farms of responding and thereby to potentially avoid the necessity of filing a motion to quash or to limit the Subpoena.

DATED this 25th day of April, 2024.

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PUBLIC**CERTIFICATE OF SERVICE AND ELECTRONIC FILING**

I hereby certify that on April 25, 2024, a true and correct copy of the foregoing document was filed electronically with the Federal Trade Commission using the Commission's E-Filing System, and a notification of such filing with a courtesy copy of the forgoing document was sent by email to:

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600 Pennsylvania Avenue, NW, Rm. H-113
Washington, DC 20580
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, N. W., Rm. H-110
Washington, D.C. 20580

I also hereby certify that on April 25, 2024, I caused a true and correct PDF copy of the foregoing document to be served by email to:

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Counsel for Albertsons Companies, Inc.

DATED this 25th day of April, 2024.

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[PROPOSED] ORDER REGARDING DEADLINE FOR NON-PARTY BRISTOL FARMS TO FILE A MOTION TO QUASH OR LIMIT SUBPOENA

On April 24, 2024, Non-Party Bristol Farms filed an Unopposed Motion for Extension of Time to File a Motion to Quash or Limit the Federal Trade Commission’s Subpoena *Duces Tecum*, requesting entry of an Order extending Bristol Farms’ deadline to file a motion to quash or limit the subpoena *duces tecum* until and including May 17, 2024.

Upon consideration of the motion and good cause having been shown,

IT IS SO ORDERED:

That Non-Party Bristol Farms’ Unopposed Motion for Extension of Time to file a Motion to Quash or Limit the Federal Trade Commission’s Subpoena *Duces Tecum* is GRANTED; and

Bristol Farms’ deadline to file a motion to quash or limit the Federal Trade Commission’s subpoena *duces tecum* is hereby extended until and including May 17, 2024.

DATED: _____

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Counsel for Albertsons Companies, Inc.

DATED this 25th day of April, 2024.

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