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

In the Matter of  
The Kroger Company, a corporation,

and

Albertsons Companies Inc., a corporation

Respondents

Docket No. 9428

**NON-PARTY INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
UNOPPOSED MOTION TO EXTEND THE TIME TO MOVE TO QUASH OR LIMIT  
SUBPOENA FOR DOCUMENTS**

Non-party International Brotherhood of Teamsters (“IBT”), by and through counsel, hereby move, pursuant to Rules 3.22, 3.34 and 4.3 of the Federal Trade Commission’s (“FTC”) Rules of Practice for Adjudicative Proceedings, to extend its time to move to quash or limit the Subpoena for Production of Documentary Material (“Subpoena”) served by the FTC in the above-entitled proceedings on April 18, 2024. Specifically, IBT respectfully requests the deadline to file a motion to quash or limit the Subpoena under Rule 3.34(c), and to submit written objections to the Subpoena under Subpoena instruction numbers 13 and 14, be extended by fourteen (14) days from April 26, 2024 to May 10, 2024.

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Subpoena instruction number 13 requires IBT to “set forth the basis for [IBT’s] objection and respond to all parts of the request to which [IBT’s] do[es] not object. Any ground not stated in an objection within the time provided by 16. C.F.R. § 3.34, or any extension thereof, shall be waived.” Section 3.34(c) provides that any motion “to limit or quash the subpoena shall be filed within the earlier of 10 days after service thereof or the time for compliance therewith.” 16 C.F.R. § 3.34(c).

Counsel for IBT and the FTC met and conferred several times, including preliminarily on April 26, 2024 and April 29, 2024. During the meet-and-confers, Counsel for IBT and the FTC agreed that an additional extension of the deadline to seek relief from the Subpoena would allow the meet and confer process to continue and afford IBT additional time necessary to continue investigating the Subpoena. Counsel for the FTC informed IBT’s counsel that the FTC will not oppose this motion for a fourteen (14) day extension of IBT’s deadline to object or otherwise move to limit or quash the Subpoena.

Granting this extension will allow IBT to preserve its rights to object and/or seek adjudicative relief while IBT evaluates the Subpoena and investigates sources of potentially responsive documents. Without an extension, IBT will need to file an immediate motion to quash or limit the Subpoena to preserve its rights to assert any objections it may have. Conversely, an extension will also allow counsel for IBT and the FTC to further meet and confer, including another meet-and-confer scheduled for tomorrow, regarding the scope of the Subpoena and negotiate the content of IBT’s

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response, potentially obviating the need for any such motion practice in the future.

FTC's Counsel has indicated that it does not oppose this motion.

Accordingly, IBT respectfully requests that this unopposed motion to extend the time to file a motion to quash or limit the Subpoena be granted and that IBT be given until May 10, 2024, to file any such motion. A proposed order granting the requested relief is attached hereto as Exhibit A.

DATED April 30, 2024.

*s/ David B. Meschke*

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**CERTIFICATE OF SERVICE**

I hereby certify that on **April 30, 2024**, I electronically filed a true and correct copy of **Non-Party International Brotherhood Of Teamsters Unopposed Motion To Extend The Time To Move To Quash Or Limit Subpoena For Documents (and its proposed order)** with the Federal Trade Commission using the Commission's E-Filing System and notification of such filing with a courtesy copy of the filing was sent via email upon the following:

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The Honorable D. Michael Chappell  
Chief Administrative Law Judge  
Federal Trade Commission  
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I also certify that on April 30, 2024 I caused a true and correct PDF copy of the foregoing document to be served via email upon the following:

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

<p>In the Matter of  The Kroger Company, and  Albertsons Companies Inc.</p>
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Docket No. 9428

**[PROPOSED] ORDER GRANTING INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS UNOPPOSED MOTION TO EXTEND THE TIME TO MOVE TO QUASH  
OR LIMIT SUBPOENA FOR DOCUMENTS**

Before the Administrative Law Judge is the Unopposed Motion to Extend the Time to Move to Quash or Limit Subpoena for Documents (“Subpoena”) that the Federal Trade Commission (“FTC”) Complaint Counsel served on non-party the International Brotherhood of Teamsters (“IBT”) on or about April 18, 2024. IBT requests an extension through and including May 10, 2024, to file any such motion to quash and/or limit, or to otherwise serve objections to the Subpoena. Having considered the motion, and the fact that it is unopposed by FTC Complaint Counsel, this Court finds that the motion should be, and hereby is, GRANTED.

IT IS THEREFORE ORDERED that the deadline for IBT to file any Motion to Quash and/or Limit the Subpoena is extended through and including May 10, 2024.

Dated: \_\_\_\_\_, 2024

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D. Michael Chappell  
Chief Administrative Law Judge