

**PUBLIC**

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

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

**UNOPPOSED MOTION FOR EXTENSION OF TIME FOR TAWA  
SUPERMARKET, INC. TO FILE MOTION TO QUASH OR TO LIMIT FEDERAL  
TRADE COMMISSION’S SUBPOENA *DUCES TECUM***

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

1. On April 11, 2024, Tawa received a Subpoena *Duces Tecum* (the “Subpoena”) from Complaint Counsel via FedEx, containing requests for documents, with a response date of May 2, 2024.
2. Pursuant to the Federal Trade Commission’s Rules of Practice, 16 C.F.R. §§ 3.34(c), Tawa 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 Tawa and Complaint Counsel are currently engaged in negotiations regarding the scope of the Subpoena and the time required for Tawa to respond. The parties' counsel spoke on April 16, 2024, which was the earliest available time to discuss the Subpoena. To facilitate further negotiations, Complaint Counsel has indicated that they will not oppose a motion to extend the time to file a motion to quash or limit the Subpoena and will not object to the timeliness of such a motion, should Tawa and Complaint Counsel be unable to resolve all issues regarding Tawa’ response to the Subpoena.

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

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

Dated: April 22, 2024

Respectfully submitted,

/s/ Adrienne Lee

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 22, 2024, pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), I filed the foregoing document electronically using the FTC's E-Filing system, which will send notification of such filing to:

The Honorable D. Michael Chappell  
Chief Administrative Law Judge  
Office of Administrative Law Judges  
Federal Trade Commission  
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James H. Weingarten or designee  
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I further certify that on April 22, 2024, I caused the foregoing document to be served via email to:

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Dated: April 22, 2024

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**In the Matter of:** )  
) )  
) Docket No. 9428  
**The Kroger Company and** )  
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) )  
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**[PROPOSED] ORDER REGARDING DEADLINE FOR  
TAWA SUPERMARKET, INC. TO FILE MOTION TO QUASH OR TO LIMIT  
FEDERAL TRADE COMMISSION’S SUBPOENA *DUCES TECUM***

On April 22, 2024, Non-Party Tawa Supermarket, Inc. (“Tawa”) filed an Unopposed Motion for Extension of Time for Tawa to File Motion to Quash or to Limit Federal Trade Commission’s Subpoena *Duces Tecum*, requesting entry of an Order extending Tawa’ deadline to file a motion to quash or to limit the Federal Trade Commission’s 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 the Unopposed Motion for Extension of Time for Tawa to file Motion to Quash or to Limit Federal Trade Commission’s Subpoena *Duces Tecum* is GRANTED; and

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

Dated: \_\_\_\_\_