

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

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

**UNOPPOSED MOTION FOR EXTENSION OF TIME FOR VITAMIN COTTAGE
NATURAL FOOD MARKETS, INC. TO FILE MOTION TO QUASH OR TO
LIMIT FEDERAL TRADE COMMISSION’S SUBPOENA *DUCES TECUM***

Non-Party Vitamin Cottage Natural Food Markets, Inc. (“Natural Grocers”) moves to extend the time for Natural Grocers 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, Natural Grocers states as follows:

1. On April 2, 2024, Complaint Counsel sent Natural Grocers, via email, a Subpoena *Duces Tecum* (the “Subpoena”) containing requests for documents, with a response date of April 25, 2024.
2. Pursuant to the Federal Trade Commission’s Rules of Practice, 16 C.F.R. §§ 3.34(c), Natural Grocers 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 Natural Grocers and Complaint Counsel are currently engaged in negotiations regarding the scope of the Subpoena and the time required for Natural Grocers to produce responsive documents. The parties' counsel spoke on April 12, 2024, which was the earliest available time to discuss the Subpoena. On April 15, 2024, Natural Grocers made an initial

production to Complaint Counsel. To facilitate further negotiations, Natural Grocers and Complaint Counsel have agreed that Natural Grocers shall have until April 22, 2024, to file a motion to quash or limit the Subpoena should Natural Grocers and Complaint Counsel be unable to resolve all issues regarding Natural Grocers' response to the Subpoena.

4. Therefore, Natural Grocers requests that this Court grant Natural Grocers until April 22, 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 Natural Grocers' counsel sufficient time to negotiate with Complaint Counsel regarding reasonable limitations and modifications of the Subpoena to reduce the burden on Natural Grocers of responding and thereby to potentially avoid the necessity of filing a motion to quash or to limit the Subpoena.

Dated: April 16, 2024

Respectfully submitted,

/s/ Hartmut Schneider

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CERTIFICATE OF SERVICE

I hereby certify that on April 16, 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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Washington DC 20580
OALJ@ftc.gov and electronicfilings@ftc.gov

James H. Weingarten or designee
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I further certify that on April 16, 2024, I caused the foregoing document to be served via email to:

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Dated: April 16, 2024

Respectfully submitted,

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Counsel for Natural Grocers

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

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

**[PROPOSED] ORDER REGARDING DEADLINE FOR VITAMIN COTTAGE
NATURAL FOOD MARKETS, INC. TO FILE MOTION TO QUASH OR TO LIMIT
FEDERAL TRADE COMMISSION’S SUBPOENA *DUCES TECUM***

On April 16, 2024, Non-Party Vitamin Cottage Natural Food Markets, Inc. (“Natural Grocers”) filed an Unopposed Motion for Extension of Time for Natural Grocers to File Motion to Quash or to Limit Federal Trade Commission’s Subpoena *Duces Tecum*, requesting entry of an Order extending Natural Grocers’ deadline to file a motion to quash or to limit the Federal Trade Commission’s subpoena *duces tecum* until and including April 22, 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 Natural Grocers to file Motion to Quash or to Limit Federal Trade Commission’s Subpoena *Duces Tecum* is GRANTED; and

Natural Grocers’ deadline to file a motion to quash or to limit the Federal Trade Commission’s subpoena *duces tecum* is hereby extended until and including April 22, 2024.

Dated: _____