

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



In the Matter of

SYSCO CORPORATION,
a corporation

and

USF HOLDING CORP.,
a corporation

and

US FOODS, INC.,
a corporation.

Respondents.

Docket No. 9364

**CORRECTED MOTION: RESPONDENTS' UNOPPOSED MOTION FOR
EXTENSION OF TIME**

Pursuant to Rule of Practice 4.3(b), Respondents Sysco Corporation (“Sysco”), USF Holding Corp., and US Foods, Inc. (“US Foods”) (collectively, “Respondents”) respectfully move for an extension of time to file objections and responses to Complaint Counsel’s Request for Admissions served on May 1, 2015. Respondents similarly move for an extension of time to file objections and responses to Complaint Counsel’s Requests for Production of Documents served on Sysco on April 17, 2015 and served on US Foods on April 18, 2015. Complaint Counsel has agreed to extend these discovery deadlines until May 22, 2015 at 6 p.m. In support of their motion, Respondents state as follows:

1. At the present time the parties are actively engaged in a seven-day preliminary injunction hearing before Judge Amit Mehta in the United States District Court for the District of

Columbia. Both parties are currently focused on preparing and presenting their cases in the federal matter and are required to file their Findings of Fact by May 20, 2015. In order to permit Respondents to focus their efforts on that hearing, Respondents have requested and Complaint Counsel has agreed to extend Respondents' time to respond to Complaint Counsel's Requests for Admissions and Requests for Production of Documents. Respondents believe good cause exists pursuant to Rule 4.3(b) to support the extensions requested herein and respectfully ask that these discovery deadlines be postponed until after the conclusion of the preliminary injunction hearing.

2. Delaying Respondents' deadlines to object and respond to Complaint Counsel's Request for Admissions and Requests for Production of Documents until May 22, 2015 will not prejudice Complaint Counsel. Indeed, Sysco has discussed the requested extensions with Complaint Counsel and, in light of the pending federal matter, Complaint Counsel has agreed to delay the deadlines for Respondents' objections and responses to the pending Request for Admissions and Requests for Production of Documents.

3. If the relief sought by Respondents is granted, (i) Respondents' responses and objections to the pending Request for Admissions would be due on Friday, May 22, 2015 at 6 p.m., and (ii) Respondents' responses and objections to the pending Requests for Production of Documents would be due on Friday, May 22, 2015 at 6 p.m.

4. No extensions of any other deadlines set by the Scheduling Order have been sought previously.

5. A proposed Order is attached for the Court's consideration.

Dated: May 12, 2015

Respectfully submitted,

/s/ Edward D. Hassi

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**[PROPOSED] ORDER GRANTING RESPONDENTS' UNOPPOSED
MOTION FOR EXTENSION OF TIME**

Good cause having been shown,

IT IS SO ORDERED:

That Respondents' Unopposed Motion for Extension of Time is GRANTED; and

Respondents' deadlines to file responses and objections to Complaint Counsel's Request for Admissions are hereby extended to May 22, 2015. Correspondingly, Respondents' deadlines to file responses and objections to Complaint Counsel's Requests for Production of Documents is hereby extended to May 22, 2015.

The Honorable D. Michael Chappell
Chief Administrative Law Judge

Dated: _____

CERTIFICATE OF SERVICE

Pursuant to Rule 4.4(c), 16 C.F.R. § 4.4(c), I hereby certify that on May 12, 2015, I filed the foregoing document electronically with the Commission using the FTC's E-Filing System, emailed a copy of the foregoing to secretary@ftc.gov, and served a paper copy on the following individuals by first-class mail:

Donald S. Clark
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The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
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Counsel for Plaintiff Federal Trade Commission

/s/ Lindsey Freeman
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Notice of Electronic Service

I hereby certify that on May 12, 2015, I filed an electronic copy of the foregoing Corrected Motion: Respondents' Unopposed Motion for Extension of Time, with:

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I hereby certify that on May 12, 2015, I served via E-Service an electronic copy of the foregoing Corrected Motion: Respondents' Unopposed Motion for Extension of Time, upon:

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