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

In the Matter of

The Kroger Company,

and

Albertsons Companies, Inc.,

Respondents.

Docket No. 9428

**NON-PARTY UBER TECHNOLOGIES, INC.'S UNOPPOSED MOTION TO EXTEND
THE TIME TO MOVE TO QUASH OR LIMIT SUBPOENA**

Pursuant to Rules 3.22, 3.34, and 4.3 of the Federal Trade Commission's ("FTC") Rules of Practice for Adjudicative Proceedings, non-party Uber Technologies, Inc. ("Uber"), by and through its undersigned counsel, hereby moves to extend its time to move to quash or limit the Subpoena for Production of Documentary Material ("Subpoena") issued in the above-captioned proceeding on April 24, 2024. Uber respectfully requests that 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 Nos. 13 and 14, be extended by eleven (11) days from May 20, 2024, to May 31, 2024, and states the following in support thereof:

1. On April 24, 2024, the FTC issued the Subpoena in the above-captioned proceeding. Subpoena Instruction No. 13 requires Uber to "set forth the basis for [Uber's] objection and respond to all parts of the request to which [Uber] 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."

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2. 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).

3. This Court previously granted an extension for Uber to move to limit or quash the subpoena, extending that deadline to May 20, 2024.

4. Counsel for Uber and the FTC have met and conferred on a number of occasions. The meet and confer process is ongoing and productive, including a conferral most recently on May 17, 2024. During that conference, counsel for Uber and the FTC agreed that an extension of the deadline to seek relief from the Subpoena would allow the meet and confer process to continue and afford Uber additional time necessary to evaluate the Subpoena. Counsel for the FTC informed counsel for Uber that the FTC does not oppose this motion.

5. Granting the proposed eleven-day extension will permit counsel for Uber and the FTC to continue negotiating in good faith, thereby eliminating and/or narrowing any disputes.

WHEREFORE, for good cause shown, Uber respectfully requests that this unopposed motion to extend the time to file a motion to quash or limit the Subpoena be granted and that Uber be given until May 31, 2024, to file any such motion. A proposed order granting the requested relief is attached.

Dated: May 20, 2024

Respectfully submitted,

/s/ Lauren Battaglia
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CERTIFICATE OF SERVICE AND ELECTRONIC FILING

I hereby certify that on May 20, 2024, a true and correct copy of Uber Technologies, Inc.'s Unopposed Motion to Extend the Time to Move to Quash or Limit the Subpoena and the accompanying proposed order were 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 foregoing documents was sent by email to:

April Tabor
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, D.C. 20580
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-110
Washington, D.C. 20580

I also certify that on May 20, 2024, I caused the foregoing document to be served via email to:

Charles Dickinson
James H. Weingarten
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Laura Hall
Janet Kim
Kenneth A. Libby
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Dated: May 20, 2024

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[PROPOSED] ORDER

On May 20, 2024, non-party Uber Technologies, Inc. (“Uber”) filed a motion to extend its time to move to quash or limit the subpoena (“Subpoena”) issued by Complaint Counsel on April 24, 2024 (“Motion”). Complaint Counsel does not oppose the relief requested in the Motion.

Under FTC Rule of Practice 3.34(c), any motion to limit or quash a subpoena must be filed within 10 days of receipt of the subpoena. 16 C.F.R. § 3.34(c). Pursuant to FTC Rule 4.3(b), the Administrative Law Judge, except in circumstances not here presented, may extend any time limit prescribed by the rules “[f]or good cause shown.” 16 C.F.R. § 4.3(b).

Based on the representations in the Motion, Uber has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is hereby ORDERED that Uber’s deadline for filing any motion to quash or limit the Subpoena is extended to May 31, 2024

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date: _____, 2024