

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

In the Matter of

The Kroger Company,

and

Albertson Companies Inc.,

Respondents.

DOCKET NO. 9428

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

Non-party Vallarta Food Enterprises, Inc. (“Vallarta”), by and through its undersigned counsel, hereby moves, pursuant to Rules 3.22, 3.34, and 4.3 of the Federal Trade Commission’s (“FTC”) Rules of Practice for Adjudicative Proceedings, to further extend its time to move to quash or limit the Subpoena for Production of Documentary Material (“Subpoena”) issued by the FTC in the above-captioned proceeding on April 15, 2024.

In support thereof, Vallarta states as follows:

The Subpoena was served on Vallarta on April 15, 2024.

By order dated May 7, 2024, the time for Vallarta to file a motion to quash or to limit subpoena was extended to May 23, 2024.

Counsel for Vallarta and counsel for the FTC continued to engage in negotiations regarding the scope of the Subpoena and the time required for Vallarta to produce responsive documents. Following the meet and confer on April 24, 2024, the parties’ counsel met again on April 30, May 10, and May 21, 2024. On May 21, counsel for the FTC informed Vallarta’s counsel that the FTC will not oppose this motion for a further seven (7) days extension of Vallarta’s deadline to object or otherwise move to limit or quash the subpoena.

This further extension that has been agreed upon to afford Vallarta sufficient time to negotiate with counsel for the FTC regarding reasonable limitations and modifications of the Subpoena to reduce the burden on Vallarta of responding as a third party and thereby potentially avoid the necessity of filing a motion to quash or to limit the Subpoena.

Accordingly, Vallarta respectfully requests that this unopposed motion to extend the time to file a motion to quash or limit the Subpoena be granted and that Vallarta be given until May 30, 2024, to file any such motion. A proposed order granting the requested relief is attached hereto as Exhibit A.

DATED this 21th day of May, 2024.

Respectfully submitted,

/s/ Chris Wilson

Chris Wilson

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CERTIFICATE OF SERVICE AND ELECTRONIC FILING

I hereby certify that on May 21, 2024, a true and correct copy of the foregoing document 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 forgoing document was sent by email to:

April Tabor
Office of the Secretary Federal Trade Commission
600 Pennsylvania Avenue, NW, Rm. H-113
Washington, DC 20580
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, N. W., Rm. H-110
Washington, D.C. 20580
oalj@ftc.gov

I also hereby certify that on May 21, 2024, I caused a true and correct PDF copy of the foregoing document to be served by email to:

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Counsel for Albertsons Companies, Inc.

DATED this 21th day of May, 2024.

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EXHIBIT A
UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
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In the Matter of

The Kroger Company,

and

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DOCKET NO. 9428

[PROPOSED] ORDER GRANTING VALLARTA FOOD ENTERPRISES, INC.'S UNOPPOSED MOTION TO EXTEND THE TIME TO MOVE TO QUASH OR LIMIT SUBPOENA

Before the Administrative Law Judge is the Unopposed Motion to Extend the Time to File a Motion to Quash, or in the alternative to Limit the Subpoena for Production of Documents (“Subpoena”) that the Federal Trade Commission (“FTC”) Complaint Counsel served on nonparty Vallarta Food Enterprises, Inc. (“Vallarta”) on or about April 15, 2024. Vallarta requests a further extension to through and including May 30, 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 Vallarta to file any Motion to Quash and/or Limit the Subpoenas is extended to through and including May 30, 2024.

Signed this [] day of May, 2024.

D. Michael Chappell
Chief Administrative Law Judge