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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.**

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Docket No. 9428

**SECOND UNOPPOSED MOTION OF NON-PARTY PETE’S FRESH
MARKET 4700 CORPORATION D/B/A PETE’S MARKET TO
FURTHER EXTEND THE TIME TO MOVE TO QUASH OR LIMIT SUBPOENA**

Non-party Pete’s Fresh Market 4700 Corporation d/b/a Pete’s Market (“Pete’s Market”), 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 (the “Subpoena”) served on it by Complaint Counsel for the FTC in the above-captioned proceeding on April 17, 2024.

By order dated May 14, 2024, the time for Pete’s Market to file a motion to quash or limit the Subpoena was extended to May 27, 2024. Pete’s Market now 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 instruction numbers 13 and 14, be further extended by fourteen (14) days from May 27, 2024 to June 10, 2024.

Counsel for Pete’s Market met and conferred with Complaint Counsel by phone on numerous occasions, including on May 23, 2024. They also corresponded via email. In an email sent on May 23, 2024, Complaint Counsel informed counsel for Pete’s Market that they do not oppose this motion for a fourteen (14) day extension of Pete Market’s deadline to object or otherwise move to limit or quash the subpoena.

Granting this extension will allow Pete’s Market to preserve its rights to object and/or seek adjudicative relief while Pete’s Market evaluates and investigates the Subpoena. It will also permit Pete’s Market to continue its meet and confer process with Complaint Counsel, and thus to

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negotiate reasonable limitations and modifications of the Subpoena, thereby potentially avoiding the necessity of filing a motion to quash or limit the Subpoena.¹

Accordingly, Pete's Market respectfully requests that this unopposed motion to extend the time to object or file a motion to quash or limit the Subpoena to June 10, 2024 be granted.

A proposed order granting the requested relief is attached.

Dated: May 24, 2024

Respectfully submitted,

By: /s/ Hal J. Wood

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*Counsel for Non-Party Pete's Fresh Market
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¹ Pete's Market recognizes that additional time beyond the requested extension may be required to resolve the meet and confer process and respond to the Subpoena, or otherwise move for relief from the Subpoena as necessary. Therefore, Pete's Market reserves its rights to request additional extensions of time to seek relief from or respond to the Subpoena.

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Docket No. 9428

**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION
OF NON-PARTY PETE’S FRESH MARKET 4700 CORPORATION
D/B/A PETE’S MARKET FOR EXTENSION OF TIME TO
MOVE TO QUASH OR LIMIT SUBPOENA**

On May 24, 2024, non-party Pete’s Fresh Market 4700 Corporation d/b/a Pete’s Market (“Pete’s Market”) filed a motion to further extend its time to move to limit or quash or otherwise respond to the subpoena (the “Subpoena”) issued by Complaint Counsel on April 17, 2024 (the “Motion”). Complaint Counsel does not oppose the relief requested in the Motion.

Under Federal Trade Commission (“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 of Practice 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, non-party Pete’s Market has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is hereby ORDERED that Pete’s Market’s deadline for filing any motion to limit or quash or otherwise respond to the Subpoena is extended to June 10, 2024.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date: May 24, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2024, I filed the foregoing document electronically using the Federal Trade Commission's e-filing system, which will send notification of such filing to:

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The Honorable D. Michael Chappell
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I further certify that on May 24, 2024, I caused the foregoing document to be served via email to:

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Dated: May 24, 2024

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