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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

UNOPPOSED MOTION FOR EXTENSION OF TIME FOR H MART COMPANIES, INC. TO FILE MOTION TO QUASH OR TO LIMIT FEDERAL TRADE COMMISSION’S SUBPOENA DUCES TECUM

Non-Party H Mart Companies, Inc. (“H Mart”) moves to further extend the time for H Mart to file a motion to quash or to limit a subpoena served on it by Complaint Counsel for the Federal Trade Commission (“Complaint Counsel”). In support thereof, H Mart states as follows:

1. On April 15, 2024, Complaint Counsel served H Mart with a Subpoena *Duces Tecum* (the “Subpoena”) containing request for documents, with a response date of May 7, 2024.
2. By order dated April 25, 2024, the time for H Mart to file a motion to quash or to limit the subpoena was extended to May 10, 2024.
3. By order dated May 9, 2024, the time for H Mart to file a motion to quash or to limit the subpoena was further extended to May 17, 2024.
4. By order dated May 17, 2024, the time for H Mart to file a motion to quash or to limit the subpoena was further extended to May 24, 2024.
5. Counsel for H Mart and Complaint Counsel continue to be engaged in negotiations regarding the scope of the Subpoena and the time required for H Mart to produce responsive

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documents. The parties' counsel have had multiple meetings, including on April 23, April 30, May 8, May 17, and May 23, 2024. H Mart is making a production of documents on May 24, 2024. To give Complaint Counsel time to review this production and for any further negotiations that may be necessary, Complaint Counsel has represented that they will not oppose a request for H Mart to have until May 31, 2024 to move to quash or limit the Subpoena, if such a motion becomes necessary.

6. Therefore, H Mart requests that this Court grant H Mart until May 31, 2024 to file a motion to quash or to limit the Subpoena.

7. This extension has been agreed upon in order to afford H Mart's counsel sufficient time to negotiate with Complaint Counsel regarding reasonable limitations and modifications of the Subpoena to reduce the burden on H Mart of responding and thereby to potentially avoid the necessity of filing a motion to quash or to limit the Subpoena.

Dated: May 24, 2024

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OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of

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Docket No. 9428

[PROPOSED] ORDER GRANTING UNOPPOSED MOTION FOR EXTENSION OF TIME FOR H MART TO FILE MOTION TO QUASH OR TO LIMIT FEDERAL TRADE COMMISSION’S SUBPOENA *DUCES TECUM*

On May 24, 2024, Non-Party H Mart Companies, Inc. (“H Mart”) filed a motion requesting entry of an order further extending H Mart’s deadline to file a motion to quash or to limit the Federal Trade Commission’s subpoena *duces tecum* (“Subpoena”) until and including May 31, 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, H Mart has demonstrated good cause for the requested further extension. Accordingly, the Motion is GRANTED and it is hereby ORDERED that H Mart’s deadline for filing any motion to quash or limit the subpoena is extended to May 31, 2024.

Dated: _____

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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.

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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