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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.**

DOCKET NO. 9428

**UNOPPOSED MOTION OF NON-PARTY SPARTANNASH COMPANY FOR
FURTHER EXTENSION OF TIME TO MOVE TO QUASH OR LIMIT SUBPOENA**

Non-party SpartanNash Company (“SpartanNash”), 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 extend its time to move to quash or limit the Subpoena for Production of Documentary Material (“Subpoena”) served on it by Complaint Counsel for the FTC in the above-captioned proceeding on April 18, 2024. Specifically, SpartanNash 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 31, 2024, to June 14, 2024.

Pursuant to 16 C.F.R. § 3.34(c), Subpoena instruction 13, the Order Granting Unopposed Motion for Extension of Time to Move to Quash or Limit Subpoena granted on April 26, 2024, and the Order Granting Unopposed Motion for Further Extension of Time to Move to Quash or Limit Subpoena granted on May 13, 2024, SpartanNash’s current deadline to object and move to limit or quash the subpoena is May 31, 2024. Counsel for SpartanNash and Complaint Counsel met and conferred by phone on May 28, 2024 and by phone and email on May 30, 2024. Counsel for SpartanNash expressed that an extension of the deadline to seek relief from the Subpoena

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would allow the meet and confer process to continue. Complaint Counsel informed SpartanNash's counsel that they do not oppose this motion for an extension of SpartanNash's deadline to object or otherwise move to limit or quash the subpoena.

Granting this extension will allow SpartanNash to preserve its rights to object and/or seek adjudicative relief while SpartanNash evaluates the Subpoena and continues to negotiate reasonable limitations and modifications of the Subpoena, and thereby potentially avoid the necessity of filing a motion to quash or limit the subpoena.

Accordingly, SpartanNash respectfully requests that this unopposed motion to extend the time to file a motion to quash or limit the Subpoena be granted and that SpartanNash be given until June 14, 2024, to file any such motion. A proposed order granting the requested relief is attached.

Dated: May 31, 2024

Respectfully submitted,

/s/ C. Lawrence Malm

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DOCKET NO. 9428

**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION OF NON-PARTY
SPARTANNASH COMPANY FOR FURTHER EXTENSION
OF TIME TO MOVE TO QUASH OR LIMIT SUBPOENA**

On May 31, 2024, non-party SpartanNash Company (“SpartanNash”) filed an Unopposed Motion of Non-Party SpartanNash Company for Further Extension of Time to Move to Quash or Limit Subpoena (“Motion”) seeking to extend its time to move to quash, limit, or otherwise respond to the subpoena duces tecum (“Subpoena”) served by Complaint Counsel on April 18, 2024. Complaint Counsel does not oppose the relief requested in the Motion.

Under FTC Rule 3.34(c), any motion to limit or quash a subpoena must be filed within the earlier of ten days of service of the subpoena or the time for compliance therewith. 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 representation in the Motion, SpartanNash has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is hereby ORDERED that SpartanNash’s deadline for filing any motion to limit or quash or otherwise respond to the Subpoena is further extended to June 14, 2024.

ORDERED:

Date: May 31, 2024

D. Michael Chappell
Chief Administrative Law Judge

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CERTIFICATE OF SERVICE

I hereby certify that on May 31, 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 31, 2024, I caused the foregoing document to be served via email to:

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