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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 seven (7) days from May 31, 2024, to June 7, 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 31, 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 22, 2024. In subsequent email correspondence, 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 seven-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 June 7, 2024, to file any such motion. A proposed order granting the requested relief is attached.

Dated: May 31, 2024

Respectfully submitted,

/s/ Lauren Battaglia  
Lauren Battaglia  
Joshua B. Short  
HOGAN LOVELLS US LLP  
555 Thirteenth Street NW  
Washington, D.C. 20004  
Telephone: (202) 637-5600  
Facsimile: (202) 637-5910

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lauren.battaglia@hoganlovells.com  
josh.short@hoganlovells.com

*Counsel for Uber Technologies, Inc.*

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**CERTIFICATE OF SERVICE AND ELECTRONIC FILING**

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

Charles Dickinson  
James H. Weingarten  
Emily Blackburn  
Paul Frangie  
Laura Hall  
Janet Kim  
Kenneth A. Libby  
Eric Olson  
Rohan Pai  
Harris Rothman  
Albert Teng  
Elizabeth Arens  
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Joshua Smith  
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Katharine Drummonds

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Federal Trade Commission  
600 Pennsylvania Ave., NW  
Washington, D.C. 20580  
cdickinson@ftc.gov  
jweingarten@ftc.gov  
eblackburn@ftc.gov  
pfrangie@ftc.gov  
lhall1@ftc.gov  
jkim3@ftc.gov  
klibby@ftc.gov  
eolson@ftc.gov  
rpai@ftc.gov  
hrothman@ftc.gov  
ateng@ftc.gov  
earens@ftc.gov  
jhamburger1@ftc.gov  
jsmith3@ftc.gov  
kbies@ftc.gov  
lthough@ftc.gov  
kdrummonds@ftc.gov

*Counsel Supporting the Complaint*

Michael B. Bernstein  
Matthew Wolf  
Sonia Pfaffenroth  
Joshua Davis  
Michael Kientzle  
Jason Ewart  
Yasmine Harik  
Christina Cleveland  
John Holler  
Arnold & Porter Kaye Scholer LLP  
601 Massachusetts Ave, NW  
Washington, D.C. 20001  
Telephone: 202.942.5227  
Michael.b.bernstein@arnoldporter.com  
Matthew.wolf@arnoldporter.com  
Sonia.pfaffenroth@arnoldporter.com  
Joshua.davis@arnoldporter.com  
Michael.kientzle@arnoldporter.com  
Jason.ewart@arnoldporter.com  
Yasmine.harik@arnoldporter.com  
John.holler@arnoldporter.com

Mark Perry

**PUBLIC**

Luke Sullivan  
Weil, Gotshal & Manges LLP  
2001 M Street, NW, Suite 600  
Washington, D.C. 20036  
Telephone: 202.682.7511  
Mark.perry@weil.com  
Luke.sullivan@weil.com

Luna Barrington  
Weil, Gotshal & Manges LLP  
767 Fifth Avenue  
New York, NY 10153  
Telephone : (212) 310-8421  
luna.barrington@weil.com

Bambo Obaro  
Weil, Gotshal & Manges LLP  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
Telephone: (650) 802 -3083  
bambo.obaro@weil.com

*Counsel for The Kroger Company*

Edward Hassi  
Debevoise & Plimpton LLP  
801 Pennsylvania Avenue, NW  
Washington, D.C. 20004  
Telephone: (202) 383 -8135  
thassi@debevoise.com  
Michael Schaper  
Shannon R. Selden  
J. Robert Abraham  
Natascha Born  
Jaime Freilich-Fried  
Marieugenia Cardenas  
Tom E. Buckley  
Heather T. Mehler  
Marie Ventimiglia  
Debevoise & Plimpton LLP  
66 Hudson Boulevard  
New York, NY 10001  
Telephone: (212) 909-6737  
mschaper@debevoise.com  
rselden@debevoise.com  
jrabraham@debevoise.com

**PUBLIC**

nborn@debevoise.com  
jmfried@debevoise.com  
mcardena@debevoise.com  
tebuckley@debevoise.com  
htmehler@debevoise.com  
msventim@debevoise.com

Mike Cowie  
James Fishkin  
Dechert LLP  
1900 K Street, NW  
Washington, D.C. 20006  
Telephone: (202) 261-3339  
mike.cowie@dechert.com  
james.fishkin@dechert.com

Thomas Miller  
Dechert LLP  
Cira Centre  
2929 Arch Street  
Philadelphia, PA 19104  
Telephone: (215) 994-2906  
thomas.miller@dechert.com

George L. Paul  
White & Case LLP  
701 13th Street, NW  
Washington, D.C. 20005  
Telephone: (202) 626-3656  
gpaul@whitecase.com

*Counsel for Albertsons Companies, Inc.*

Dated: May 31, 2024

Respectfully submitted,

/s/ Lauren Battaglia  
Lauren Battaglia  
Joshua B. Short  
HOGAN LOVELLS US LLP  
555 Thirteenth Street NW  
Washington, D.C. 20004  
Telephone: (202) 637-5600  
Facsimile: (202) 637-5910  
lauren.battaglia@hoganlovells.com  
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**[PROPOSED] ORDER**

On May 31, 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 June 7, 2024

ORDERED:

\_\_\_\_\_  
D. Michael Chappell  
Chief Administrative Law Judge

Date: \_\_\_\_\_, 2024