

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

<p>In the Matter of</p> <p>The Kroger Company,</p> <p style="padding-left: 40px;">and</p> <p>Albertsons Companies, Inc.,</p> <p style="padding-left: 40px;">Respondents.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Docket No. 9428</p>
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**NON-PARTY WALGREENS UNOPPOSED MOTION TO FURTHER
EXTEND THE TIME TO MOVE TO QUASH OR LIMIT SUBPOENA**

Non-party Walgreen Boots Alliance, Inc. (“Walgreens”), 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 or about April 29, 2024. The current deadline to move to limit or quash the Subpoena is June 11, 2024. Specifically, Walgreens respectfully requests that the deadline to file a motion to quash or limit the Subpoena under Rule 3.34(c) be extended to June 25, 2024.

Counsel for Walgreens and the FTC have met and conferred on a number of occasions. The meet and confer process is ongoing and productive. Counsel for Walgreens and the FTC agreed that a further extension of the deadline to seek relief from the Subpoena would allow the meet and confer process to continue

further. Counsel for the FTC informed Walgreens' counsel that the FTC will not oppose this motion seeking an extension until June 25, 2024 of Walgreens' deadline to move to limit or quash the Subpoena.

Granting this extension will allow Walgreens to preserve its rights to object and/or seek adjudicative relief while Walgreens evaluates the Subpoena. Granting this extension will also allow counsel for the FTC and Walgreens to further meet and confer regarding the scope of the Subpoena and the timing of any response, potentially obviating the need for any motion practice. Conversely, without an extension, Walgreens may need to file an immediate motion to quash or limit the Subpoena to preserve its rights to assert any objections it may have. FTC Counsel has indicated that it does not oppose this motion.¹

Accordingly, Walgreens respectfully requests that this unopposed motion to extend the time to file a motion to quash or limit the Subpoena be granted and that Walgreens be given until June 25, 2024, to file any such motion. A proposed order granting the requested relief is attached hereto as Exhibit A.

Dated: June 11, 2024

Wargo, French & Singer, LLP

/s/ Shanon J. McGinnis

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¹ Walgreens 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 may be necessary. Therefore, Walgreens reserves all rights to request additional extensions of the time to seek relief from or respond to the Subpoena as necessary in the future.

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CERTIFICATE OF SERVICE AND ELECTRONIC FILING

I hereby certify that on June 11, 2024, a true and correct copy of Walgreen Boots Alliance, Inc.'s foregoing Unopposed Motion to Further 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:

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The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
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I also hereby certify that on June 11, 2024, I caused a true and correct PDF copy of the foregoing documents to be served by email to:

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*Counsel for Respondent The Kroger
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Dated: June 11, 2024

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*Counsel for Non-Party
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Exhibit A
UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

)	
In the Matter of)	
)	
The Kroger Company,)	Docket No. 9428
)	
and)	
)	
Albertsons Companies, Inc.,)	
)	
Respondents.)	
)	

**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION FOR
EXTENSION OF TIME TO MOVE TO QUASH OR LIMIT SUBPOENA**

On June 11, 2024, non-party Walgreens Boots Alliance, Inc. (“Walgreens”) filed a motion to further extend its time to move to quash or limit or otherwise respond to the subpoena (“Subpoena”) issued by the Federal Trade Commission (“FTC”) on April 29, 2024. FTC Counsel does not oppose the relief requested in the Motion.

Pursuant to FTC Rule 4.3(b), the Administrative Law Judge, except in circumstances not presented here, 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, Walgreens has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is hereby ORDERED that Walgreens’ deadline for filing any motion to quash or limit or otherwise respond to the Subpoena is extended to June 25, 2024.

ORDERED:

June ___, 2024

D. Michael Chappell
Chief Administrative Law Judge