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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. 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 documents. The parties’ counsel have had multiple meetings, including on April 23, April 30, and May 8, 2024. They have an additional meeting scheduled on May 17, 2024. To facilitate

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further negotiations, Complaint Counsel has represented that they will not oppose a request for H Mart to have until May 24, 2024 to move to quash or limit the Subpoena, if such a motion becomes necessary.

5. Therefore, H Mart requests that this Court grant H Mart until May 24, 2024 to file a motion to quash or to limit the Subpoena.

6. 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 17, 2024

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[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 17, 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 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, 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 24, 2024.

Dated: _____

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CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2024, I filed the foregoing document electronically using the Federal Trade Commission's e-filing system.

I further certify that on May 17, 2024, I caused the foregoing document to be served via email to:

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Dated: May 17, 2024

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