

**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.)	
)	

**NON-PARTY WALGREENS UNOPPOSED MOTION TO 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 extend its time to move or 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 with a current compliance date of May 22, 2024. Specifically, Walgreens 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 extended to May 28, 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, including a conferral most recently on May 14, 2024. During the meet-and-confer, counsel for

Walgreens 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 further.

Counsel for the FTC informed Walgreens' counsel that the FTC will not oppose this motion seeking an extension until May 28, 2024 of Walgreens' deadline to object or otherwise 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 May 28, 2024, to file any such motion. A proposed order granting the requested relief is attached hereto as Exhibit A.

Dated: May 15, 2024

Wargo, French & Singer, LLP

By:

/s/ Shanon J. McGinnis

David M. Pernini

Georgia Bar No. 572399

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 May 15, 2024, a true and correct copy of Walgreen Boots Alliance, Inc.'s foregoing 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:

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Federal Trade Commission
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Washington, DC 20580
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The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, N. W., Rm. H-110
Washington, D.C. 20580

I also hereby certify that on May 15, 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: May 15, 2024

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*Counsel for Non-Party
Walgreens Boots Alliance, Inc.*

Exhibit A
UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
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The Kroger Company,)	Docket No. 9428
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**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION FOR
EXTENSION OF TIME TO MOVE TO QUASH OR LIMIT SUBPOENA**

On May 15, 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 May 28, 2024.

ORDERED:

May ____, 2024

D. Michael Chappell
Chief Administrative Law Judge