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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**

**Albertson Companies Inc.,**

**Respondents.**

**DOCKET NO. 9428**

**NON-PARTY VALLARTA FOOD ENTERPRISES, INC.'S UNOPPOSED MOTION  
TO EXTEND THE TIME TO MOVE TO QUASH OR LIMIT SUBPOENA**

Non-party Vallarta Food Enterprises, Inc. (“Vallarta”), 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 April 15, 2024.

In support thereof, Vallarta states as follows:

The Subpoena was served on Vallarta on April 15, 2024.

By order dated June 12, 2024, the time for Vallarta to file a motion to quash or to limit subpoena was extended to June 20, 2024.

Counsel for Vallarta and counsel for the FTC continued to engage in negotiations regarding the scope of the Subpoena and the time required for Vallarta to produce responsive documents. Following the meet and confer on April 24, 2024, the parties’ counsel met again on April 30, May 10, May 21, and June 10, 2024. On June 18, counsel for the FTC informed Vallarta’s counsel that the FTC will not oppose this motion for a further six (6) days extension of Vallarta’s deadline to object or otherwise move to limit or quash the subpoena.

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This further extension that has been agreed upon to afford Vallarta sufficient time to negotiate with counsel for the FTC regarding reasonable limitations and modifications of the Subpoena to reduce the burden on Vallarta of responding as a third party and thereby potentially avoid the necessity of filing a motion to quash or to limit the Subpoena.

Accordingly, Vallarta respectfully requests that this unopposed motion to extend the time to file a motion to quash or limit the Subpoena be granted and that Vallarta be given until June 26, 2024, to file any such motion. A proposed order granting the requested relief is attached hereto as Exhibit A.

DATED this 18<sup>th</sup> day of June, 2024.

Respectfully submitted,

*/s/ Alexander H. Merritt* \_\_\_\_\_

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**PUBLIC****CERTIFICATE OF SERVICE AND ELECTRONIC FILING**

I hereby certify that on June 18, 2024, a true and correct copy of the foregoing document 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 forgoing document was sent by email to:

April Tabor  
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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  
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I also hereby certify that on June 18, 2024, I caused a true and correct PDF copy of the foregoing document to be served by email to:

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DATED this 18th day of June, 2024.

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**EXHIBIT A**  
**UNITED STATES OF AMERICA**  
**BEFORE THE FEDERAL TRADE COMMISSION**  
**OFFICE OF ADMINISTRATIVE LAW JUDGES**

**In the Matter of**

**The Kroger Company,**

**and**

**Albertson Companies Inc.,**

**Respondents.**

**DOCKET NO. 9428**

**[PROPOSED] ORDER GRANTING VALLARTA FOOD ENTERPRISES, INC.'S UNOPPOSED MOTION TO EXTEND THE TIME TO MOVE TO QUASH OR LIMIT SUBPOENA**

Before the Administrative Law Judge is the Unopposed Motion to Extend the Time to File a Motion to Quash, or in the alternative to Limit the Subpoena for Production of Documents (“Subpoena”) that the Federal Trade Commission (“FTC”) Complaint Counsel served on nonparty Vallarta Food Enterprises, Inc. (“Vallarta”) on or about April 15, 2024. Vallarta requests a further extension to through and including June 26, 2024, to file any such motion to quash and/or limit, or to otherwise serve objections to the Subpoena. Having considered the motion, and the fact that it is unopposed by FTC Complaint Counsel, this Court finds that the motion should be, and hereby is, GRANTED.

IT IS THEREFORE ORDERED that the deadline for Vallarta to file any Motion to Quash and/or Limit the Subpoenas is extended to through and including June 26, 2024.

Signed this [ ] day of June, 2024.

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D. Michael Chappell  
Chief Administrative Law Judge