

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

**In the Matter of**

**The Kroger Company**

**and**

**Albertsons Companies, Inc.**

**Docket No. 9428**

**JOINT MOTION AND STIPULATION REGARDING  
SCHEDULING ORDER DEADLINES**

On July 12, 2024, this Court issued an order stating that the Part 3 hearing will be convened on July 31, 2024, and the evidentiary portion of the hearing will be recessed until after the completion of the federal injunction hearing. The Court then stayed certain deadlines in the March 20, 2024 Scheduling Order; specifically, the deadlines for filing motions for *in camera* treatment of proposed trial exhibits and motions *in limine* to preclude admission of evidence. Finally, the Court instructed the parties to confer about an amended schedule for resuming the Part 3 hearing after the conclusion of the federal proceeding.

The parties are proceeding based on this guidance and adhering to the unchanged deadlines in the scheduling order (although the parties jointly moved to slightly adjust the pre-trial brief deadlines). However, the parties agreed that it would be in the interests of efficiency and judicial economy to postpone the July 26, 2024 deadline to exchange proposed stipulations of law, facts, and authenticity and reset that deadline to align with the evidentiary portion of the hearing. The parties further agreed to confer about that deadline, among others, in order to

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“propose a schedule for resuming the Part 3 hearing.” Order on Motion to Recess, at 3. The parties thus jointly move for, and stipulate to, that relief.

July 23, 2024

Respectfully submitted,

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**In the Matter of**

**The Kroger Company**

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**Docket No. 9428**

**[PROPOSED] ORDER ON JOINT MOTION AND STIPULATION  
REGARDING SCHEDULING ORDER DEADLINES**

Upon consideration of the Joint Motion and Stipulation regarding Scheduling Order deadlines, it is hereby

ORDERED that the Motion is GRANTED; and

FURTHER ORDERED that the parties will meet and confer on a new deadline to exchange proposed stipulations of law, facts, and authenticity.

ORDERED:

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

Date:

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**CERTIFICATE OF CONFERRAL**

Respondents and Complaint Counsel conferred by email on July 15. The email included Susan Musser from the FTC and Sonia Pfaffenroth from Arnold & Porter, among others.

/s/ Luna Barrington  
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**CERTIFICATE OF SERVICE**

I hereby certify that, on July 23, 2024, I caused the foregoing document to be electronically filed with the Secretary of the Commission using the Federal Trade Commission's e-filing system, causing the document to be served on all of the following registered participants:

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The Honorable D. Michael Chappell  
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I also certify that I caused the foregoing document to be served via email to:

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