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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.**

**DOCKET NO. 9428**

**UNOPPOSED MOTION OF NON-PARTY SPARTANNASH COMPANY FOR  
EXTENSION OF TIME TO MOVE TO QUASH OR LIMIT SUBPOENA**

Non-party SpartanNash Company (“SpartanNash”), 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 to quash or limit the Subpoena for Production of Documentary Material (“Subpoena”) served on it by Complaint Counsel for the FTC in the above-captioned proceeding on April 18, 2024. Specifically, SpartanNash 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 by fourteen (14) days from April 29, 2024, to May 13, 2024.

Pursuant to 16 C.F.R. § 3.34(c) and Subpoena instruction 13, SpartanNash’s current deadline to object and move to limit or quash the subpoena is April 29, 2024. Counsel for SpartanNash and Complaint Counsel met and conferred by phone on April 18, 2024, and again via email on April 25, 2024. Counsel for SpartanNash expressed that an extension of the deadline to seek relief from the Subpoena would allow the meet and confer process to continue. Complaint Counsel informed SpartanNash’s counsel that they do not oppose this motion for a fourteen (14)

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day extension of SpartanNash's deadline to object or otherwise move to limit or quash the subpoena.

Granting this extension will allow SpartanNash to preserve its rights to object and/or seek adjudicative relief while SpartanNash evaluates the Subpoena and continues to negotiate reasonable limitations and modifications of the Subpoena, and thereby potentially avoid the necessity of filing a motion to quash or limit the subpoena.

Accordingly, SpartanNash respectfully requests that this unopposed motion to extend the time to file a motion to quash or limit the Subpoena be granted and that SpartanNash be given until May 12, 2024, to file any such motion. A proposed order granting the requested relief is attached.

Dated: April 25, 2024

Respectfully submitted,

*/s/ C. Lawrence Malm*

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**In the Matter of**

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**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION OF NON-PARTY  
SPARTANNASH COMPANY FOR EXTENSION OF TIME TO MOVE TO QUASH OR  
LIMIT SUBPOENA**

On April 25, 2024, non-party SpartanNash Company (“SpartanNash”) filed an Unopposed Motion of Non-Party SpartanNash Company for Extension of Time to Move to Quash or Limit Subpoena (“Motion”) seeking to extend its time to move to quash or limit or otherwise respond to the subpoena duces tecum (“Subpoena”) served by Complaint Counsel on April 18, 2024. Complaint Counsel does not oppose the relief requested in the Motion

Under FTC Rule 3.34(c), any motion to limit or quash a subpoena must be filed within the earlier of ten days of service of the subpoena or the time for compliance therewith.

FTC Rule 4.3(b) authorizes the Administrative Law Judge, except in circumstances not here presented, to extend any time limit prescribed by the rules “[f]or good cause shown.” 16 C.F.R. § 4.3(b). Based on the representation in the Motion, SpartanNash has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is hereby ORDERED that SpartanNash’s deadline for filing any motion to limit or quash or otherwise respond to the subpoena is extended to May 13, 2024.

ORDERED:

Date: April 25, 2024

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D. Michael Chappell  
Chief Administrative Law Judge

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 25, 2024, I filed the foregoing document electronically using the Federal Trade Commission's e-filing system, which will send notification of such filing to:

April Tabor  
Secretary  
Federal Trade Commission  
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The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-110  
Washington, D.C. 20580  
[OALJ@ftc.com](mailto:OALJ@ftc.com)

I further certify that on April 25, 2024, I caused the foregoing document to be served via email to:

Charles Dickinson  
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Dated: April 25, 2024

Respectfully submitted,

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