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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.**

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**Docket No. 9428**

**UNOPPOSED MOTION OF NON-PARTY PETE’S FRESH MARKET 4700  
CORPORATION D/B/A PETE’S MARKET FOR EXTENSION  
OF TIME TO MOVE TO QUASH OR LIMIT SUBPOENA**

Non-party Pete’s Fresh Market 4700 Corporation d/b/a Pete’s Market (“Pete’s Market”), 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 extent its time to move to quash or limit the Subpoena for Production of Documentary material (the “Subpoena”) served on it by Complaint Counsel for the FTC in the above-captioned proceeding on April 17, 2024. Specifically, Pete’s Market 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 number 13, Pete’s Market’s current deadline to object and move to limit or quash the subpoena is April 29, 2024. Counsel for Pete’s Market met and conferred with Complaint Counsel by phone on April 18, 2024 and April 26, 2024. They also corresponded via email. During the April 26, 2024 telephone call, and in an email sent on the same day, Complaint Counsel informed counsel for Pete’s Market that they do not oppose this motion for a fourteen (14) day extension of Pete Market’s deadline to object or otherwise move to limit or quash the subpoena.

Granting this extension will allow Pete’s Market to preserve its rights to object and/or seek adjudicative relief while Pete’s Market evaluates and investigates the Subpoena. It will also permit Pete’s Market to continue its meet and confer process with Complaint Counsel, and thus to

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negotiating reasonable limitations and modifications of the Subpoena, thereby potentially avoiding the necessity of filing a motion to quash or limit the Subpoena.<sup>1</sup>

Accordingly, Pete's Market respectfully requests that this unopposed motion to extend the time to file a motion to quash or limit the Subpoena be granted and that Pete's Market be given until May 13, 2024 to file any such motion.

A proposed order granting the requested relief is attached.

Dated: April 29, 2024

Respectfully submitted,

By: /s/ Hal J. Wood

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*Counsel for Non-Party Pete's Fresh Market  
4700 Corporation d/b/a Pete's Market*

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<sup>1</sup> Pete's Market 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 necessary. Therefore, Pete's Market reserves its rights to request additional extensions of time to seek relief from or respond to the Subpoena.

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**Docket No. 9428**

**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION  
OF NON-PARTY PETE’S FRESH MARKET 4700 CORPORATION  
D/B/A PETE’S MARKET FOR EXTENSION OF TIME TO  
MOVE TO QUASH OR LIMIT SUBPOENA**

On April 29, 2024, non-party Pete’s Fresh Market 4700 Corporation d/b/a Pete’s Market (“Pete’s Market”) filed a motion to extend its time to move to limit or quash or otherwise respond to the subpoena (the “Subpoena”) issued by Complaint Counsel on April 17, 2024 (the “Motion”). Complaint Counsel does not oppose the relief requested in the Motion.

Under Federal Trade Commission (“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). When this deadline falls on a weekend or holiday, this period shall run until “the end of the next following business day.” 16 C.F.R. § 4.3(a). Pursuant to FTC Rule of Practice 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, non-party Pete’s Market has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is hereby ORDERED that Pete’s Market’s deadline for filing any motion to limit or quash or otherwise respond to the Subpoena is extended to May 13, 2024.

ORDERED:

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D. Michael Chappell  
Chief Administrative Law Judge

Date: April 29, 2024

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 29, 2024, I filed the foregoing document electronically using the Federal Trade Commission's e-filing system, which will send notification of such filing to:

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The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
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I further certify that on April 29, 2024, I caused the foregoing document to be served via email to:

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