

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

DISTRICT OF COLUMBIA,  
STATE OF CALIFORNIA, and  
STATE OF ILLINOIS,

Plaintiffs,

Case No. 1:22-cv-3357-CJN

v.

THE KROGER CO., and  
ALBERTSONS COMPANIES, INC.

Defendants.

**DEFENDANT THE KROGER CO.'S NOTICE OF SUPPLEMENTAL AUTHORITY**

The Kroger Co. respectfully submits this notice of supplemental authority advising this Court that the King County Superior Court denied the State of Washington's motion for a preliminary injunction seeking to enjoin Defendant Albertsons Companies, Inc. from paying the special dividend that is also the subject of this litigation. Order, *State of Washington v. Albertsons Companies, Inc., et al.*, No. 22-2-18046-3 SEA (Wash. Super. Ct. Dec. 9, 2022). The Superior Court extended a temporary restraining order against the payment of the dividend that had been in place until December 19, 2022 so that the State may seek appellate review of the decision. A copy of the Superior Court's order is attached to this letter as Attachment A.

Dated: December 9, 2022

Respectfully submitted,

/s/ Mark A. Perry

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