

**General Docket**  
**United States Court of Appeals for District of Columbia Circuit**

<b>Court of Appeals Docket #:</b> 22-7168 <b>Nature of Suit:</b> 3410 Antitrust DC, et al v. Kroger Co., et al <b>Appeal From:</b> United States District Court for the District of Columbia <b>Fee Status:</b> Fee Waived	<b>Docketed:</b> 12/13/2022 <b>Termed:</b> 02/23/2023
<b>Case Type Information:</b> 1) Civil Private 2) Private 3)	
<b>Originating Court Information:</b> <b>District:</b> 0090-1 : <a href="#">1:22-cv-03357-CJN</a> <span style="float: right;"><b>Lead:</b> <a href="#">1:22-cv-03357-CJN</a></span> <b>Court Reporter:</b> Lorraine Herman, Court Reporter <b>Trial Judge:</b> Carl J. Nichols, U.S. District Judge <b>Date Filed:</b> 11/02/2022 <b>Date Order/Judgment:</b> 12/12/2022 <span style="float: right;"><b>Date NOA Filed:</b> 12/13/2022</span>	
<b>Prior Cases:</b> None	
<b>Current Cases:</b> None	
<b>Panel Assignment:</b> Not available	

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	v.	
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Albertsons Companies, Inc.  
Defendant - Appellee

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District of Columbia; State of California; State of Illinois,

Plaintiffs - Appellants





v.

Kroger Co.; Albertsons Companies, Inc.,

Defendants - Appellees

12/13/2022	<input type="checkbox"/>	PRIVATE CIVIL CASE docketed. [22-7168] [Entered: 12/13/2022 11:21 AM]
12/13/2022	<input type="checkbox"/>	NOTICE OF APPEAL [1977383] seeking review of a decision by the U.S. District Court in 1:22-cv-03357-CJN filed by DC, State of California and State of Illinois. Appeal assigned USCA Case Number: 22-7168. [22-7168] [Entered: 12/13/2022 11:24 AM]
12/13/2022	<input type="checkbox"/>	LETTER [1977391] sent regarding attorney membership to Brian Matthew Yost for State of Illinois and Edward Hassi for Albertsons Companies, Inc.. Application for Admission due 01/12/2023. [22-7168] [Entered: 12/13/2022 11:34 AM]
12/13/2022	<input type="checkbox"/>	ENTRY OF APPEARANCE [1977405] filed by Alex Hemmer on behalf of Appellant State of Illinois. [22-7168] (Hemmer, Alex) [Entered: 12/13/2022 12:09 PM]
12/13/2022	<input type="checkbox"/>	ENTRY OF APPEARANCE [1977440] filed by Bryan J. Leitch and co-counsel Caroline S. Van Zile; Ashwin P. Phatak on behalf of Appellant DC. [22-7168] (Leitch, Bryan) [Entered: 12/13/2022 02:05 PM]
12/13/2022	<input type="checkbox"/>	CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1977441] filed by DC [Service Date: 12/13/2022 ] [22-7168] (Leitch, Bryan) [Entered: 12/13/2022 02:06 PM]
12/13/2022	<input type="checkbox"/>	SEALED EMERGENCY MOTION [1977443] for injunction pending appeal, and immediate administrative stay filed by DC, State of California and State of Illinois (Service Date: 12/13/2022 by Email, US Mail) Length Certification: 5015 words. [22-7168] [Entered: 12/13/2022 02:08 PM]
12/13/2022	<input type="checkbox"/>	NOTICE [1977448] to withdraw attorney Brian Matthew Yost who represented State of Illinois in 22-7168 filed by State of Illinois [Service Date: 12/13/2022 ] [22-7168] (Hemmer, Alex) [Entered: 12/13/2022 02:12 PM]
12/13/2022	<input type="checkbox"/>	EMERGENCY MOTION [1977455] for injunction filed by DC (Service Date: 12/13/2022 by CM/ECF NDA) Length Certification: 5,015 words. [22-7168] (Leitch, Bryan) [Entered: 12/13/2022 02:19 PM]
12/13/2022	<input type="checkbox"/>	PER CURIAM ORDER [1977530] filed that appellees respond to the emergency motion [1977443-2], [1977455-2] by 4:00 p.m. on Thursday, December 15, 2022. Any reply is due by 4:00 p.m. on Friday, December 16, 2022. The parties are directed to hand-deliver the paper copies of their submissions to the court by the time and date due. Before Judges: Millett, Pillard and Pan. [22-7168] [Entered: 12/13/2022 06:14 PM]
12/14/2022	<input type="checkbox"/>	ENTRY OF APPEARANCE [1977593] filed by Robert Reeves Anderson and co-counsel Kolya D. Glick on behalf of Appellee Kroger Co.. [22-7168] (Anderson, Robert) [Entered: 12/14/2022 11:37 AM]
12/14/2022	<input type="checkbox"/>	ENTRY OF APPEARANCE [1977635] filed by Mark A. Perry and co-counsel Adam B. Banks on behalf of Appellee Kroger Co.. [22-7168] (Perry, Mark) [Entered: 12/14/2022 02:19 PM]
12/15/2022	<input type="checkbox"/>	RESPONSE IN OPPOSITION [1977820] to motion for injunction [1977455-2], motion for injunction [1977443-2], motion to stay case [1977443-3] combined with a MOTION for summary affirmance filed by Kroger Co. [Service Date: 12/15/2022 by CM/ECF NDA] Length Certification: 7788. [22-7168] (Anderson, Robert) [Entered: 12/15/2022 03:31 PM]
12/15/2022	<input type="checkbox"/>	RESPONSE IN OPPOSITION [1977826] t to motion for injunction [1977455-2], motion for injunction [1977443-2], motion to stay case [1977443-3] combined with a MOTION for summary affirmance filed by Albertsons Companies, Inc. [Service Date: 12/15/2022 by CM/ECF NDA] Length Certification: 6,166 words. [22-7168]--[MODIFIED EVENT--Edited 12/16/2022 by LMC] (Hassi, Edward) [Entered: 12/15/2022 03:51 PM]
12/15/2022	<input type="checkbox"/>	SEALED RESPONSE IN OPPOSITION [1977888] to motion for injunction [1977455-2], motion for injunction [1977443-2], motion to stay case [1977443-3] combined with a MOTION for summary affirmance (with Supplement/Appendix) filed by Albertsons Companies, Inc. [Service Date: 12/08/2022 by Email] Length Certification: 7788 words. [22-7168] [Entered: 12/16/2022 10:19 AM]
12/16/2022	<input type="checkbox"/>	EMERGENCY REPLY [1977993] filed by DC, State of California and State of Illinois to response [Service Date: 12/16/2022 by US Mail, Email, CM/ECF NDA] Length Certification: 2,592 words. [22-7168] (Leitch, Bryan) [Entered: 12/16/2022 03:19 PM]
12/16/2022	<input type="checkbox"/>	ENTRY OF APPEARANCE [1978056] filed by Paula Lauren Gibson on behalf of Appellant State of California. [22-7168] (Gibson, Paula) [Entered: 12/16/2022 06:36 PM]
12/16/2022	<input type="checkbox"/>	LETTER [1978061] pursuant to FRAP 28j advising of additional authorities filed by DC, State of Illinois and State of California [Service Date: 12/16/2022 ] [22-7168] (Van Zile, Caroline) [Entered: 12/16/2022 09:10 PM]
12/20/2022	<input type="checkbox"/>	PER CURIAM ORDER [1978445] filed denying the motion for an injunction pending appeal and an administrative stay. Before Judges: Millett, Pillard and Pan. [22-7168] [Entered: 12/20/2022 04:13 PM]

- 12/21/2022   CONSENT UNOPPOSED MOTION [1978537] to extend time to file response to 12/30/2022 filed by DC, State of California and State of Illinois [Service Date: 12/21/2022 ] Length Certification: 118 words. [22-7168] (Leitch, Bryan) [Entered: 12/21/2022 11:02 AM]  
5 pg, 92.68 KB
- 12/23/2022   CLERK'S ORDER [1978888] filed granting motion to extend time [[1978537-2](#)]; directing response to motion for summary affirmance [[1977820-2](#)], directing response to motion for summary affirmance [[1977826-3](#)] Response due on 12/30/2022 [22-7168] [Entered: 12/23/2022 10:07 AM]  
1 pg, 37.85 KB
- 12/30/2022   RESPONSE IN OPPOSITION [1979672] to motion for summary affirmance [1977888-2], motion for summary affirmance [[1977826-3](#)], motion for summary affirmance [[1977820-2](#)] filed by DC, State of California and State of Illinois [Service Date: 12/30/2022 by CM/ECF NDA] Length Certification: 5,033 Words. [22-7168] (Leitch, Bryan) [Entered: 12/30/2022 05:56 PM]  
28 pg, 513.6 KB
- 01/03/2023   CONSENT UNOPPOSED MOTION [1979822] to extend time to file reply to 01/10/2023 filed by Albertsons Companies, Inc. and Kroger Co. [Service Date: 01/03/2023 ] Length Certification: 137 words. [22-7168] (Hassi, Edward) [Entered: 01/03/2023 12:14 PM]  
6 pg, 169.19 KB
- 01/03/2023   CLERK'S ORDER [1979891] filed granting motion to extend time [[1979822-2](#)]; directing reply to response [[1979672-2](#)] due 01/10/2023 [22-7168] [Entered: 01/03/2023 03:45 PM]  
1 pg, 38.49 KB
- 01/05/2023   ENTRY OF APPEARANCE [1980351] filed by Robert Reeves Anderson and co-counsel Matthew Wolf, Sonia Pfaffenroth on behalf of Appellee Kroger Co.. [22-7168] (Anderson, Robert) [Entered: 01/05/2023 05:22 PM]  
1 pg, 149.95 KB
- 01/10/2023   REPLY [1980947] filed by Kroger Co. to response [[1979672-2](#)] [Service Date: 01/10/2023 by Email] Length Certification: 2,480 words. [22-7168] (Anderson, Robert) [Entered: 01/10/2023 05:37 PM]  
21 pg, 9.28 MB
- 01/10/2023   REPLY [1980951] filed by Albertsons Companies, Inc. to response [[1979672-2](#)] [Service Date: 01/10/2023 by CM/ECF NDA] Length Certification: 2, 531 Words. [22-7168] (Hassi, Edward) [Entered: 01/10/2023 09:02 PM]  
18 pg, 74.65 KB
- 01/18/2023   PER CURIAM ORDER [1981855] filed that, within 7 days of the date of this order, the parties file responses addressing the effect on this case of the Washington Supreme Court's order. The responses may not exceed 2,600 words each. Before Judges: Millett, Pillard and Pan. [22-7168] [Entered: 01/18/2023 12:11 PM]  
1 pg, 40.27 KB
- 01/25/2023   RESPONSE [1983172] to order [[1981855-2](#)] filed by Albertsons Companies, Inc. (Service Date: 01/25/2023 by CM/ECF NDA) Length Certification: 360. [22-7168] (Hassi, Edward) [Entered: 01/25/2023 05:39 PM]  
218 pg, 2.36 MB
- 01/25/2023   RESPONSE [1983177] to order [[1981855-2](#)] combined with a MOTION to vacate filed by DC, State of California and State of Illinois [Service Date: 01/25/2023 by CM/ECF NDA] Length Certification: 1282 words. [22-7168] (Leitch, Bryan) [Entered: 01/25/2023 06:24 PM]  
8 pg, 120.07 KB
- 01/25/2023   RESPONSE [1983178] to order [[1981855-2](#)] filed by Kroger Co. (Service Date: 01/25/2023 by CM/ECF NDA) Length Certification: 468 words. [22-7168] (Anderson, Robert) [Entered: 01/25/2023 06:30 PM]  
7 pg, 2.39 MB
- 01/27/2023   RESPONSE IN OPPOSITION [1983657] to motion to vacate [[1983177-2](#)] filed by Kroger Co. [Service Date: 01/27/2023 by CM/ECF NDA] Length Certification: 1,736 words. [22-7168] (Anderson, Robert) [Entered: 01/27/2023 06:58 PM]  
13 pg, 5.68 MB
- 02/03/2023   RESPONSE IN OPPOSITION [1984600] to motion [[1983177-2](#)] filed by Albertsons Companies, Inc. [Service Date: 02/03/2023 by CM/ECF NDA] Length Certification: 1655 words. [22-7168] (Hassi, Edward) [Entered: 02/03/2023 05:25 PM]  
11 pg, 274.33 KB
- 02/03/2023   CONSENT UNOPPOSED MOTION [1984607] to extend time to file reply to 02/10/2023 filed by DC, State of California and State of Illinois [Service Date: 02/03/2023 ] Length Certification: 211 words. [22-7168] (Leitch, Bryan) [Entered: 02/03/2023 06:13 PM]  
4 pg, 94.64 KB
- 02/07/2023   CLERK'S ORDER [1984828] filed granting motion to extend time [[1984607-2](#)]; directing reply to response [[1983657-2](#)], directing reply to response [[1984600-2](#)] due 02/10/2023 [22-7168] [Entered: 02/07/2023 09:35 AM]  
1 pg, 38.6 KB
- 02/10/2023   REPLY [1985429] filed by DC, State of California and State of Illinois to response [[1984600-2](#)], [[1983657-2](#)] [Service Date: 02/10/2023 by CM/ECF NDA] Length Certification: 1909 words.. [22-7168] (Leitch, Bryan) [Entered: 02/10/2023 11:54 AM]  
10 pg, 124.79 KB
- 02/23/2023   PER CURIAM ORDER [1987160] filed that this appeal be dismissed as moot. It is FURTHER ORDERED that the motions for summary affirmance [1977888-2], [[1977826-3](#)], [[1977820-2](#)] be dismissed as moot. It is FURTHER ORDERED that the case be remanded to the district court. The Clerk is directed to issue the mandate forthwith to the district court. Before Judges: Millett, Pillard and Pan. [22-7168] [Entered: 02/23/2023 09:59 AM]  
2 pg, 43.62 KB
- 02/23/2023   MANDATE ISSUED to Clerk, U.S. District Court. [22-7168] [Entered: 02/23/2023 10:06 AM]  
1 pg, 38.89 KB

- 03/21/2023    
1 pg, 41.08 KB CLERK'S ORDER [1991096] filed, Pursuant to D.C. Cir. Rule 47.1(f)(1), the parties are directed to show cause by April 20, 2023, why the sealed portions of the record of this case should not be unsealed. Counsel are reminded of their obligation to "promptly notify the Court when it is no longer necessary to maintain the record or portions of the record under seal." D.C. Cir. Rule 47.1(f)(4). [22-7168] [Entered: 03/21/2023 01:36 PM]
- 04/20/2023    
414 pg, 6.43 MB *JOINT* RESPONSE [1995736] to order [[1991096-2](#)], [[1991096-3](#)] combined with a MOTION to Maintain Portions of the Appellate Record Under Seal filed by Albertsons Companies, Inc. [Service Date: 04/20/2023 by CM/ECF NDA] Length Certification: 1,048 words. [22-7168] (Gillett, Gabriel) [Entered: 04/20/2023 06:20 PM]

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