

DISTRICT COURT, DENVER COUNTY, COLORADO		DATE FILED: March 14, 2024 1:07 PM CASE NUMBER: 2024CV30459
Court Address: 1437 BANNOCK STREET, RM 256, DENVER, CO, 80202		
Plaintiff(s) ST OF COLO v. Defendant(s) KROGER CO et al.		<p style="text-align: center;">△ COURT USE ONLY △</p> Case Number: 2024CV30459 Division: 414 Courtroom:
ORDER RE: STATUS CONFERENCE (3/25/24)		

THIS MATTER comes before the Court in advance of the status conference scheduled for March 25, 2024. The Court has reviewed the pending PLAINTIFF'S SECOND STATUS REPORT AND REQUEST TO SET PRELIMINARY INJUNCTION HEARING ("Plaintiff's Motion") and pending DEFENDANTS' MOTION FOR PERMANENT INJUNCTION HEARING DATE ("Defendants' Motion") both filed on March 13, 2024. The pleadings will become an official part of the Court record when accepted by the Clerk's Office.

The Court anticipates addressing the following issues on March 25, 2024:

1. The Court will set future hearing dates.
2. The Court is unavailable for hearing from September 16 - September 27, 2024.
3. The Court is available for hearing (additional dates in bold typeface):

Friday, June 21, 2024

Monday, June 24 - Thursday, June 27, 2024

Monday, July 1 - Wednesday, July 3, 2024

Friday, July 19, 2024

Monday, July 22 - Thursday, July 25, 2024

Monday, July 29 - Friday, August 2, 2024 (until 12:00 p.m. on Friday)

Monday, August 5, 2024

Monday, August 12 - Friday, August 16, 2024

Monday, August 19 - Thursday, August 22, 2024

Tuesday, September 3 - Friday, September 6, 2024

Monday, September 9 - Friday, September 13, 2024

Monday, September 30 - Friday, October 4, 2024 (until 12:00 p.m. on Friday)

Tuesday, October 8 - Friday, October 11, 2024

Monday, October 14 - Friday, October 18, 2024

4. The Court will entertain argument on why a preliminary injunction or combined preliminary and permanent injunction hearing should be held in Colorado state court before the preliminary injunction hearing in Oregon federal district court and before the permanent injunction hearing in Washington state court.

That is, the Court is interested in what legal or other concerns require the Colorado case to go before the Oregon and Washington matters, especially given Defendants' statement:

"Defendants have already stipulated in the other cases (1) to an agreed temporary restraining order pending the resolution of the FTC Action; and (2) that they will not close until a date certain in the Washington proceedings. Defendants have expressly represented to the Colorado attorney general that they will enter into a similar stipulation in this case. Those stipulations already provide the State with the preliminary relief it is now seeking, and given Defendants' willingness to make a similar stipulation in this case as well, the State's pursuit of "preliminary" relief is an illusion and unnecessary." *Defendants' Motion*, Para. 7a.

5. Further, the Court will entertain argument on the differences between preliminary and permanent injunctive relief, as they relate to the relevant facts of this case.

To the extent possible, it will be helpful to the Court for counsel to appear in person. However, the virtual courtroom will be open for those who elect to participate via Webex.

Issue Date: 3/14/2024



ANDREW J LUXEN
District Court Judge