

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

FEDERAL TRADE COMMISSION,
STATE OF ARIZONA,
STATE OF CALIFORNIA,
DISTRICT OF COLUMBIA,
STATE OF ILLINOIS,
STATE OF MARYLAND,
STATE OF NEVADA,
STATE OF NEW MEXICO,
STATE OF OREGON, and
STATE OF WYOMING,

Plaintiffs,

v.

THE KROGER COMPANY and
ALBERTSONS COMPANIES, INC.,

Defendants.

Case No.: 3:24-cv-00347-AN

**[PROPOSED] ORDER REGARDING
ADMISSIBILITY OF DOCUMENTS
AND TESTIMONY**

Upon consideration of Plaintiffs' Brief Regarding Admissibility of Documents and Testimony, the Court finds that it is appropriate in light of the character and objectives of this proceeding brought under Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), to admit and consider ordinary-course documents from Defendants and third parties, investigational hearing transcripts from the FTC's investigation of The Kroger Company's proposed acquisition of Albertsons Companies, Inc., and deposition transcripts from this case in connection with the FTC's request for a preliminary injunction. It is hereby

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ORDERED that the parties may move the foregoing categories of exhibits into evidence. This Order does not restrict any party's ability to argue that the Court should accord more or less weight to a particular document, or to seek to admit additional exhibits as may be appropriate.

SO ORDERED.

UNITED STATES DISTRICT JUDGE

DATED: _____, 2024

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