

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EXHIBIT AND WITNESS LIST

Federal Trade Commission et al v. Kroger Company et al
Case Number: 3:24-cv-00347-AN

DATE OFFERED		RECEIVED	LIST OF EXHIBITS AND WITNESSES
PRESIDING JUDGE U.S. District Judge Adrienne Nelson		PLAINTIFFS' ATTORNEY See docket	
HEARING DATES 8/26/24, 8/27/24, 8/28/24, 8/29/24, 8/30/24, 9/3/24, 9/4/24, 9/5/24, 9/6/24, 9/9/24, 9/10/24, 9/11/24, 9/12/24, 9/13/24, 9/17/24		COURT REPORTERS Jill Jessup, Dennis Apodaca	
		DEFENDANTS' ATTORNEY See docket	
		COURTROOM DEPUTY Jody Harper	
8/26/2024			Peter Van Helden (Plf. Direct)
8/26/2024			Peter Van Helden (Def. Cross)
8/26/2024			Peter Van Helden (Plf. Redirect)
8/26/2024			Anthony Silva (Plf. Direct)
8/26/2024		R	PX12359
8/26/2024			Anthony Silva (Def. Cross)
8/26/2024			Andrew Groff (Plf. Direct)
8/26/2024		R	PX1130
8/26/2024		R	PX1110
8/26/2024		R	PX1109
8/26/2024		R	PX1115
8/26/2024		R	PX1129
8/26/2024		R	PX11337
8/26/2024		R	PX11093
8/27/2024			Andrew Groff (Def. Cross)
8/27/2024		R	DX2560
8/27/2024			DX2630A
8/27/2024		R	DX2631B
8/27/2024		R	DX0149I
8/27/2024			Andrew Groff (Plf. Redirect)
8/27/2024			Andrew Groff (Def. Recross)
8/27/2024			Scott Neal (Plf. Direct)
8/27/2024		R	PX3713
8/27/2024			Scott Neal (Def. Cross)
8/27/2024		R	DX0222
8/27/2024		R	DX0227
8/27/2024			Scott Neal (Plf. Redirect)
8/27/2024			Michael Marx (Plf. Direct)
8/27/2024		R	PX1805
8/27/2024		R	PX1824
8/27/2024		R	PX1823
8/27/2024			Michael Marx (Def. Cross)
8/27/2024		R	DX2875
8/27/2024			Kurt Unkelbach (Plf. Direct)
8/27/2024			Kurt Unkelbach (Def. Cross)
8/27/2024			Todd Kammeyer (Plf. Direct)
8/27/2024		R	PX1743
8/27/2024		R	PX1726
8/27/2024		R	DX0588
8/27/2024		R	PX1675
8/27/2024		R	PX1420
8/27/2024			Todd Kammeyer (Def. Cross)
8/27/2024		R	DX0061
8/27/2024		R	DX0061A
8/27/2024			Todd Kammeyer (Plf. Redirect)
8/27/2024			Carl Huntington (Plf. Direct)

DATE OFFERED	RECEIVED	LIST OF EXHIBITS AND WITNESSES
8/27/2024	R	PX12485
8/27/2024	R	PX12472
8/27/2024	R	PX12469
8/27/2024	R	PX2448
8/27/2024	R	PX2795
8/27/2024	R	PX12484
8/27/2024	R	PX2791
8/27/2024	R	PX12478
8/27/2024	R	PX12476
8/27/2024		Carl Huntington (Def. Cross)
8/27/2024		Carl Huntington (Plf. Redirect)
8/28/2024		Jon McPherson (Plf. Direct)
8/28/2024	R	PX1033
8/28/2024	R	PX1282
8/28/2024		Jon McPherson (Def. Cross)
8/28/2024	R	DX2705
8/28/2024	R	PX1323
8/28/2024	R	DX1213
8/28/2024	R	DX0108
8/28/2024	R	DX0114
8/28/2024	R	DX0877
8/28/2024		Jon McPherson (Plf. Redirect)
8/28/2024		Jon McPherson (Def. Recross)
8/28/2024		Daniel Clay (Plf. Direct)
8/28/2024	R	PX3920
8/28/2024	R	PX3934
8/28/2024		Daniel Clay (Def. Cross)
8/28/2024	R	DX2846
8/28/2024	R	DX0912
8/28/2024	R	DX2958
8/28/2024		Daniel Clay (Plf. Redirect)
8/28/2024		Andrea Zinder (Plf. Direct)
8/28/2024		Andrea Zinder (Def. Cross)
8/28/2024	R	DX2840
8/28/2024	R	DX2955
8/28/2024		Andrea Zinder (Plf. Redirect)
8/28/2024		Thomas Schwilke (Plf. Direct)
8/28/2024	R	PX1497
8/28/2024	R	PX1496
8/28/2024	R	PX1480
8/28/2024	R	PX1458
8/28/2024		Thomas Schwilke (Def. Cross)
8/28/2024	R	PX1727
8/28/2024	R	DX2920
8/29/2024		Kevin Curry (Plf. Direct)
8/29/2024	R	PX2553 (page 1)
8/29/2024	R	PX2585
8/29/2024	R	PX12577
8/29/2024	R	PX2551
8/29/2024	R	PX12571
8/29/2024		Kevin Curry (Def. Cross)
8/29/2024	R	DX1270
8/29/2024	R	DX0040
8/29/2024	R	DX2829
8/29/2024		Kevin Curry (Plf. Redirect)
8/29/2024		Keith Knopf (Plf. Direct)
8/29/2024	R	PX8062
8/29/2024		Keith Knopf (Def. Cross)
8/29/2024	R	DX2834
8/29/2024	R	DX2835
8/29/2024		Keith Knopf (Plf. Redirect)
8/29/2024		Mark McGowan (Plf. Direct)
8/29/2024	R	PX3515
8/29/2024	R	PX3107
8/29/2024	R	PX4050 (page 38, line 23 through page 39, line 19) (page 39, line 19 through page 40, line 11) (page 45, lines 13-20) (page 41, line 25 through page 42, line 11) (page 46, lines 6-18) (page 51, line 23 through page 52, line 4) (page 131, lines 3-7 and 17-20) (page 103, lines 10-16) (page 90, lines 1-22) (page 97, line 18 through page 98, line 3) (page 91, line 10 through page 92, line 13) (page 93, line 22 through page 94, line 18) (page 92, lines 14-24) (page 95, line 13 through page 96, line 22) (page 97, lines 9-17)

DATE OFFERED	RECEIVED	LIST OF EXHIBITS AND WITNESSES
8/29/2024		Mark McGowan (Def. Cross)
8/29/2024	R	DX1058
8/29/2024	R	PX4050 (page 74, lines 11-25)
8/29/2024		Mark McGowan (Plf. Redirect)
8/29/2024		Alona Florenz (Plf. Direct)
8/29/2024	R	PX3699
8/29/2024	R	PX13034
8/29/2024	R	PX3602
8/29/2024	R	PX3348
8/30/2024		Alona Florenz (Plf. Direct Continued)
8/30/2024		Alona Florenz (Def. Cross)
8/30/2024		Alona Florenz (Plf. Redirect)
8/30/2024		Eric Winn (Plf. Direct)
8/30/2024	R	PX4030 (page 215, lines 15-20)
8/30/2024	R	PX3068
8/30/2024	R	PX3111
8/30/2024	R	PX3115
8/30/2024		Eric Winn (Def. Cross)
8/30/2024	R	DX2628
8/30/2024	R	DX2972
8/30/2024		Eric Winn (Plf. Redirect)
8/30/2024		Eric Winn (Def. Recross)
8/30/2024	R	PX3948
9/3/2024		Edward J. Fox (Plf. Direct)
9/3/2024	R	PX7002
9/3/2024	R	PX7008
9/3/2024		Edward J. Fox (Def. Cross)
9/3/2024	R	DX2641
9/3/2024		Edward J. Fox (Plf. Redirect)
9/3/2024		Todd Broderick (Plf. Direct)
9/3/2024	R	PX4026 (page 12, lines 2-13)
9/3/2024	R	PX2369
9/3/2024	R	PX2082
9/3/2024	R	PX2076
9/3/2024	R	PX2395
9/3/2024	R	PX12729
9/3/2024	R	PX2376
9/3/2024		Todd Broderick (Def. Cross)
9/3/2024	R	DX2643
9/3/2024		Nicholas Hill (Plf. Direct)
9/3/2024	R	PX7004
9/3/2024	R	PX7006
9/3/2024		Nicholas Hill (Def. Cross)
9/3/2024		Nicholas Hill (Plf. Redirect)
9/4/2024		Plaintiffs' Rest
9/4/2024		Rodney McMullen (Def. Direct)
9/4/2024	R	DX2626
9/4/2024	R	DX2627
9/4/2024	R	DX1727
9/4/2024		Rodney McMullen (Plf. Cross)
9/4/2024	R	PX6009
9/4/2024	R	PX6683
9/4/2024	R	PX6024
9/4/2024	R	PX6090
9/4/2024	R	PX6684
9/4/2024		Rodney McMullen (Def. Redirect)
9/4/2024		Vivek Sankaran (Def. Direct)
9/4/2024	R	DX0940
9/4/2024	R	DX076
9/4/2024	R	DX0031
9/4/2024	R	DX2976
9/4/2024	R	DX1331
9/4/2024		Vivek Sankaran (Plf. Cross)
9/4/2024	R	PX12380
9/4/2024	R	PX12375
9/4/2024	R	PX6153
9/4/2024	R	PX2322
9/4/2024	R	PX6081

DATE OFFERED	RECEIVED	LIST OF EXHIBITS AND WITNESSES
9/4/2024	R	PX6077
9/4/2024	R	PX12428
9/4/2024	R	PX12382
9/4/2024		Vivek Sankaran (Def. Redirect)
9/4/2024		Stuart Aitken (Def. Direct)
9/4/2024	R	DX3012
9/4/2024	R	DX3013
9/4/2024	R	DX0011
9/4/2024	R	DX2559
9/4/2024	R	DX2237
9/4/2024		Stuart Aitken (Plf. Cross)
9/4/2024	R	PX1254
9/5/2024		Stuart Aitken (Plf. Cross Continued)
9/5/2024	R	PX1242
9/5/2024	R	PX1358
9/5/2024	R	PX1232
9/5/2024	R	PX1248
9/5/2024	R	PX1502
9/5/2024		Stuart Aitken (Def. Redirect)
9/5/2024		Susan Morris (Def. Direct)
9/5/2024		Susan Morris (Plf. Cross)
9/5/2024	R	PX2616
9/5/2024		Susan Morris (Def. Redirect)
9/5/2024		Sarah George (Def. Direct)
9/5/2024	R	DX1456
9/5/2024		Sarah George (Plf. Cross)
9/5/2024		Sarah George (Def. Redirect)
9/5/2024	R	PX5006
9/5/2024	R	PX4096 (page 78, lines 15-20)
9/5/2024		Mafaz Maharooof (Def. Direct)
9/5/2024	R	DX2640
9/5/2024	R	DX2640A
9/5/2024	R	DX2565A
9/5/2024		Mafaz Maharooof (Plf. Cross)
9/5/2024		Mafaz Maharooof (Def. Redirect)
9/5/2024		Rajiv Gokhale (Def. Direct)
9/5/2024	R	DX2736
9/5/2024		Rajiv Gokhale (Plf. Cross)
9/5/2024	R	DX2493
9/6/2024		Rajiv Gokhale (Plf. Cross Continued)
9/6/2024		Matthew Yates (Def. Direct)
9/6/2024	R	DX2500 (page 23, lines 4-8)
9/6/2024	R	DX0240
9/6/2024		Matthew Yates (Plf. Cross)
9/6/2024	R	PX4071 (page 142, lines 1-4) (page 142, line 23 through page 143, line 13)(page 144, lines 2-13) (page 144, line 22 through page 145, line 7)(page 149, line 5 through page 152) (page 146, line 14 through page 147, line 7) (page 147, lines 13-18) (page 147, lines 8-12) (page 148, lines 8-20)
9/9/2024		Yael Cosset (Def. Direct)
9/9/2024	R	DX2731
9/9/2024	R	DX2971
9/9/2024	R	DX2970
9/9/2024	R	DX2973
9/9/2024	R	DX2730
9/9/2024	R	DX1528
9/9/2024	R	DX1254
9/10/2024		Sonya Oblisk (Def. Direct)
9/10/2024	R	DX2531 (page 13, line 10 through page 17, line 1) (page 21, line 10 through page 26, line 24) (page 73, line 12-19)
9/10/2024	R	DX0270
9/10/2024	R	DX0271
9/10/2024	R	DX0272
9/10/2024	R	DX0273
9/10/2024	R	DX0275
9/10/2024		Sonya Oblisk (Plf. Cross)
9/10/2024	R	DX2531 (page 103, line 16-25) (page 98, line 20 through page 99, line 4) (page 126, line 17 through page 127, line 8)
9/10/2024		Marc Lieberman (Def. Direct)
9/10/2024	R	DX1340
9/10/2024	R	DX2530 (page 38, lines 1-5)
9/10/2024	R	DX2884

DATE OFFERED	RECEIVED	LIST OF EXHIBITS AND WITNESSES
9/10/2024	R	DX0156
9/10/2024		Marc Lieberman (Plf. Cross)
9/10/2024		Marc Lieberman (Def. Redirect)
9/10/2024		Yael Cosset (Def. Direct Continued from 9/9/24)
9/10/2024	R	DX2552
9/10/2024	R	DX2553
9/10/2024	R	DX2238
9/10/2024	R	DX2239
9/10/2024	R	DX0813
9/10/2024	R	DDX20 (Slide 6, left box only)
9/10/2024	R	DX0807
9/10/2024		Yael Cosset (Plf. Cross)
9/10/2024	R	PX1654A
9/10/2024	R	PX1654B
9/10/2024	R	PX1654 (pages 387-396)
9/10/2024		Dan Dosenbach (Def. Direct)
9/10/2024	R	DX2361
9/10/2024	R	DX0039
9/10/2024		Dan Dosenbach (Plf. Cross)
9/10/2024	R	PX2151
9/10/2024	R	PX2251
9/10/2024	R	PX2148
9/10/2024		Dan Dosenbach (Def. Redirect)
9/10/2024		Robert Crane (Def. Direct)
9/10/2024		Robert Crane (Plf. Cross)
9/11/2024		Mark Israel (Def. Direct)
9/11/2024	R	DX2623
9/11/2024	R	DX2624
9/11/2024	R	DX2940-DX2946
9/11/2024		Mark Israel (Plf. Cross)
9/11/2024		Mark Israel (Def. Redirect)
9/11/2024		John Conlin (Def. Direct)
9/11/2024	R	DX2888
9/11/2024	R	DX2951 (page 48, lines 11-16)
9/11/2024	R	DX2951 (page 59, lines 14 through page 60, line 18)
9/11/2024	R	DX2967
9/11/2024		John Conlin (Plf. Cross)
9/11/2024		John Conlin (Def. Redirect)
9/11/2024		Samuel Heyworth (Def. Direct)
9/11/2024	R	DX2502 (page 61, lines 3-7) (page 67, lines 22 through page 68, line 1) (page 40, lines 3-7)
9/11/2024	R	DX2403
9/11/2024	R	DX2502 (page 49, lines 4-6) (page 49, lines 7-8) (page 32, lines 22 through page 33, line 5) (page 35, lines 4-12)
9/11/2024		Samuel Heyworth (Plf. Cross)
9/11/2024	R	DX2502 (page 65, lines 20-25)
9/11/2024		Roger King (Def. Direct)
9/11/2024	R	DX2740
9/12/2024		Roger King (Plf. Cross)
9/12/2024		Roger King (Def. Redirect)
9/12/2024		Lisa Kinney (Def. Direct)
9/12/2024	R	DX2090
9/12/2024	R	DX2220
9/12/2024	R	DX2213
9/12/2024	R	DX1290
9/12/2024	R	DX1290A
9/12/2024	R	DX2617
9/12/2024	R	DX2711
9/12/2024	R	DX2221
9/12/2024	R	DX2438 (Email Portion Only)
9/12/2024	R	DX1155
9/12/2024		Lisa Kinney (Plf. Cross)
9/12/2024	R	PX2530
9/12/2024	R	PX12123
9/12/2024	R	PX12673
9/12/2024	R	PX2514
9/12/2024	R	PX12107
9/12/2024	R	PX12112
9/12/2024	R	PX2999

DATE OFFERED	RECEIVED	LIST OF EXHIBITS AND WITNESSES
9/12/2024		Lisa Kinney (Def. Redirect)
9/12/2024		Justin McCrary (Def. Direct)
9/12/2024	R	DX2739
9/12/2024		Justin McCrary (Plf. Cross)
9/12/2024		Dan Galante (Def. Direct)
9/12/2024	R	DX2738
9/12/2024		Dan Galante (Plf. Cross)
9/12/2024		Dan Galante (Def. Redirect)
9/12/2024	R	DX3019
9/12/2024		Defendants' Rest
9/13/2024	R	PX7004
9/13/2024	R	PX7004A
9/13/2024	R	PX7004B
9/13/2024	R	PX7004C
9/13/2024	R	PX7004D1
9/13/2024	R	PX7004D2
9/13/2024		Aaron Yeater (Plf. Direct)
9/13/2024	R	PX7000
9/13/2024	R	PX7011
9/13/2024		Aaron Yeater (Def. Cross)
9/13/2024	R	PX5017
9/13/2024		Aaron Yeater (Plf. Redirect)
9/13/2024		Orley Ashenfelter (Plf. Direct)
9/13/2024	R	PX7010
9/13/2024		Orley Ashenfelter (Def. Cross)
9/13/2024		Nicholas Hill (Plf. Direct)
9/13/2024	R	PX7025
9/13/2024		Nicholas Hill (Def. Cross)
9/13/2024		Nicholas Hill (Plf. Redirect)