

**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

**COURTROOM MANAGEMENT AND  
DECORUM ORDER**

This case has generated substantial public interest and media attention. Considering this interest and so that the decorum of an open court will be maintained throughout the preliminary injunction hearing, the Court issues this Order and provides the following information related to the preliminary injunction hearing in the above-captioned matter set to begin on August 26, 2024, and end on September 13, 2024:

1. The Mark O. Hatfield United States Courthouse opens at 7:00 a.m. The doors to the Courtroom will open to parties and counsel at 8:15 a.m. The Courtroom will open to the public at 8:40 a.m. Except for the week of September 2, 2024, when the Labor Day holiday falls on a Monday and court will not be in session on that day, the preliminary hearing will be held five days per week. Unless the Court otherwise directs, court will be in session as follows: Monday through Thursday each week, the hearing is scheduled to begin at 9:00

a.m. and conclude at approximately 5:00 p.m., at which time participants will exit the courthouse. There will be a recess for lunch from 12:00 p.m. to 1:00 p.m. and brief recesses in the morning and in the afternoon. On Friday, August 30, 2024, and Friday, September 6, 2024, the hearing is scheduled to begin at 9:00 a.m. and conclude at approximately 12:00 p.m. with a brief morning recess. On Friday, September 13, 2024, the hearing is scheduled to begin at 9:00 a.m. and conclude at approximately 5:00 p.m. There will be a recess for lunch from 12:00 p.m. to 1:00 p.m. and brief recesses in the morning and in the afternoon.

2. Consistent with the policy of the Judicial Conference of the United States, the Court will provide the public live, remote audio access to the opening arguments and closing arguments of the preliminary injunction hearing on August 26, 2024, and September 13, 2024. Information about the public access line will be posted on the docket. The Court will not otherwise provide live, remote audio access. *See* <https://www.uscourts.gov/news/2023/09/12/judicial-conference-revises-policy-expand-remote-audio-access-over-its-pre-covid> and <https://www.uscourts.gov/news/2023/05/11/judiciary-ends-covid-emergency-study-broadcast-policy-continues>.
3. The preliminary injunction hearing will be conducted in Courtroom 14A. A limited number of seats are available in the public gallery for the media and the public on a first come, first served basis. If seats in the public gallery are not available, members of the public and the media will be directed to Courtroom 12A to observe the proceedings by video.

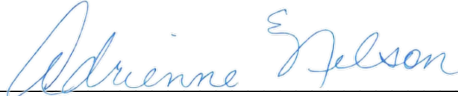
4. The United States Marshals Service ("USMS") or security personnel as designated by USMS ("USMS personnel") will perform secondary screening of all observers in both Courtroom 14A and Courtroom 12A.
5. Pursuant to the policy of the Judicial Conference of the United States and Local Civil Rule 83-13, audio and/or video recording of the proceedings in any manner and from any location within the Mark O. Hatfield United States Courthouse is strictly prohibited. This rule will be enforced by USMS personnel. *See* <https://ord.uscourts.gov/index.php/visitors/recording-audio-video-or-images>. Official transcripts of proceedings may be ordered according to the procedures set forth on the Court's website: <https://ord.uscourts.gov/index.php/filing-and-forms/transcript-information>.
6. Electronic devices, such as laptops, iPads, cell phones, Apple Watches, etc., shall not be permitted in either Courtroom 14A or Courtroom 12A. USMS personnel shall collect all electronic devices from observers at the entrance to the courtrooms. Electronic devices may be retrieved upon exiting the courtroom for the midday lunch break and at the end of each day.
7. All observers in Courtroom 14A and Courtroom 12A must leave the courtroom promptly during the midday lunch break and when the Court recesses at the end of each day.
8. Observers will not be permitted to have any food or beverages in Courtroom 14A or Courtroom 12A.
9. Observers in Courtroom 14A must remain silent once Court proceedings convene and they may not disrupt Court proceedings in any way, including by speaking while Court is in session or by gesturing in a way that could distract the parties, witnesses, or the Court.

Observers in Courtroom 14A must enter or reenter the courtroom before proceedings begin or resume, and observers who leave the courtroom while court is in session will not be permitted to return until during the next break in the proceedings. Observers in Courtroom 14A must follow all instructions of USMS and/or Court personnel regarding available seating and courtroom conduct.

10. Observers in Courtroom 12A may not disrupt other observers or USMS or Court personnel, and they must follow all instructions of USMS and/or Court personnel regarding available seating and courtroom conduct.
11. Observers, including media, are prohibited from blocking any entrance or exit to the Courthouse or any door or hallway within the Courthouse.
12. Any person or organization who violates any provision of this Order is subject to removal from the courtroom and the Courthouse by USMS personnel, and/or exclusion from the public observation spaces in both Courtroom 14A and Courtroom 12A for the remainder of the preliminary injunction hearing, and/or potential sanctions imposed by the court, including contempt.

IT IS SO ORDERED.

DATED this 19<sup>th</sup> day of August, 2024.

  
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Adrienne Nelson  
United States District Judge