

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 GRANTING
PLAINTIFFS' MOTION *IN LIMINE* TO
EXCLUDE EVIDENCE AND
PRECLUDE ARGUMENT RELATING
TO DEFENDANTS' PROPOSED
DIVESTITURE**

Upon consideration of Plaintiffs' Motion *In Limine* to Exclude Evidence and Preclude Argument Relating to Defendants' Proposed Divestiture, it is hereby

ORDERED that the Motion is GRANTED;

FURTHER ORDERED that any evidence or testimony relating to the April 22, 2024 proposed divestiture by Defendants The Kroger Company and Albertsons Companies, Inc. ("Defendants") to C&S Wholesale Grocers LLC ("Proposed Divestiture") is EXCLUDED and will not be admitted into evidence; and

[PROPOSED] ORDER GRANTING
PLFS.' MOTION *IN LIMINE*
RE DEFS.' PROPOSED DIVESTITURE

FURTHER ORDERED that Defendants are PRECLUDED from asserting any argument, whether styled as an affirmative defense or a denial of liability, relating to or premised on the Proposed Divestiture.

SO ORDERED.

UNITED STATES DISTRICT JUDGE

DATED: _____, 2024

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