

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:22-cv-03357-CJN**

DISTRICT OF COLUMBIA et al v. KROGER CO. et al
Assigned to: Judge Carl J. Nichols
Cause: 15:1 Antitrust Litigation

Date Filed: 11/02/2022
Jury Demand: None
Nature of Suit: 410 Anti-Trust
Jurisdiction: Federal Question

Plaintiff

DISTRICT OF COLUMBIA

represented by **Geoffrey Comber**
D.C. OFFICE OF THE ATTORNEY
GENERAL
400 6th Street NW
Washington, DC 20001
202-735-7516
Email: geoffrey.comber@dc.gov
ATTORNEY TO BE NOTICED

Kathleen M. Konopka
OFFICE OF THE ATTORNEY GENERAL
FOR D.C.
Public Advocacy Division
400 6th Street, NW
Ste 10th Floor
Washington, DC 20001
202-724-6610
Email: kathleen.konopka@dc.gov
ATTORNEY TO BE NOTICED

Adam Gitlin
DC OAG
400 6th Street NW
10th Floor
Washington, DC 20001
415-956-1000
Email: adam.gitlin@dc.gov
ATTORNEY TO BE NOTICED

Plaintiff

STATE OF CALIFORNIA

represented by **Paula Lauren Gibson**
OFFICE OF THE ATTORNEY
GENERAL/CA
300 South Spring Street
Suite 1720
Los Angeles, CA 90013
(213) 269-6040

Fax: (213) 897-2801
Email: paula.gibson@doj.ca.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam Gitlin
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

STATE OF ILLINOIS

represented by **Paul Harper**
ILLINOIS ATTORNEY GENERAL'S
OFFICE
100 W. Randolph Street
Chicago, IL 60601
773-590-6837
Email: paul.harper@ilag.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Louise Maxeiner
ILLINOIS ATTORNEY GENERAL'S
OFFICE
Antitrust Bureau
100 West Randolph Street
Chicago, IL 60601
773-590-7935
Email: elizabeth.maxeiner@ilag.gov
ATTORNEY TO BE NOTICED

Adam Gitlin
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

KROGER CO.

represented by **Andrew Santo Tulumello**
WEIL, GOTSHAL & MANGES LLP
2001 M Street, NW
Suite 600
Washington, DC 20036-5306
202-682-7000
Email: drew.tulumello@weil.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Andrew Perry
WEIL, GOTSHAL & MANGES, LLP
2001 M Street, NW
Suite 600
Washington, DC 20036
202-682-7511

Fax: 202-857-0940
Email: Mark.Perry@weil.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael B. Bernstein
ARNOLD & PORTER KAYE SCHOLER
LLP
601 Massachusetts Avenue NW
Washington D.C., DC 20001-3743
202-942-5227
Email:
michael.b.bernstein@arnoldporter.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sonia Kuester Pfaffenroth
ARNOLD & PORTER KAYE SCHOLER
LLP
601 Massachusetts Avenue, NW
Washington, DC 20001
202-942-6831
Email: sonia.pfaffenroth@arnoldporter.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jason C. Ewart
ARNOLD & PORTER
601 Massachusetts Ave, NW
Washington, DC 20001
202-942-6616
Email: jason.ewart@arnoldporter.com
ATTORNEY TO BE NOTICED

Defendant

ALBERTSONS COMPANIES, INC.

represented by **Edward David Hassi**
DEBEVOISE & PLIMPTON LLP
801 Pennsylvania Avenue NW
Washington, DC 20004
(202) 383-8135
Email: thassi@debevoise.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leah S. Martin
DEBEVOISE & PLIMPTON LLP
801 Pennsylvania Avenue, NW
Suite 500
Washington, DC 20004
202-383-8000
Fax: 202-383-8118
Email: lmartin@debevoise.com
ATTORNEY TO BE NOTICED

Zachary B. Cohen
 JENNER & BLOCK LLP
 1099 New York Ave., NW
 Suite 900
 Washington, DC 20001
 202-639-6058
 Email: zcohen@jenner.com
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/02/2022	<u>1</u>	COMPLAINT FOR EQUITABLE AND INJUNCTIVE RELIEF FOR VIOLATIONS OF SECTION ONE OF THE SHERMAN ANTITRUST ACT AND STATE ANTITRUST LAWS against All Defendants (Fee Status:Filing Fee Waived) filed by CALIFORNIA ATTORNEY GENERAL OFFICE, DISTRICT OF COLUMBIA OFFICE OF ATTORNEY GENERAL, ILLINOIS. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet)(Gitlin, Adam) (Attachment 1 replaced on 11/2/2022) (zljn). (Entered: 11/02/2022)
11/02/2022	<u>2</u>	SEALED MOTION FOR LEAVE TO FILE COMPLAINT UNDER SEAL filed by DISTRICT OF COLUMBIA, STATE OF CALIFORNIA AND STATE OF ILLINOIS (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Exhibit SEALED Complaint, # <u>2</u> Text of Proposed Order)(Gitlin, Adam) Modified event and filers on 11/2/2022 (zljn). (Entered: 11/02/2022)
11/02/2022	<u>3</u>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by DISTRICT OF COLUMBIA, STATE OF CALIFORNIA, STATE OF ILLINOIS (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Memorandum in Support Memorandum ISO TRO, # <u>2</u> Declaration Weisbach Declaration, # <u>3</u> Text of Proposed Order Proposed Order on TRO, # <u>4</u> Text of Proposed Order Proposed Order on Sealing Motion, # <u>5</u> Declaration Gitlin Declaration)(Gitlin, Adam) (Entered: 11/02/2022)
11/02/2022	<u>4</u>	MOTION for Temporary Restraining Order by DISTRICT OF COLUMBIA, STATE OF CALIFORNIA, STATE OF ILLINOIS. (Attachments: # <u>1</u> Declaration Weisbach Declaration (Redacted), # <u>2</u> Declaration Gitlin Declaration (Redacted), # <u>3</u> Text of Proposed Order Proposed Order Granting TRO)(Gitlin, Adam) (Entered: 11/02/2022)
11/03/2022		MINUTE ORDER (paperless) GRANTING plaintiffs' <u>2</u> Sealed Motion for Leave to File Complaint Under Seal and <u>3</u> Sealed Motion for Leave to File Document Under Seal. Signed by Chief Judge Beryl A. Howell on November 3, 2022. (lcbah3) (Entered: 11/03/2022)
11/03/2022		Case Assigned to Judge Carl J. Nichols. (zljn) (Entered: 11/03/2022)
11/03/2022		MINUTE ORDER. In light of Plaintiffs' <u>4</u> Emergency Motion for Temporary Restraining Order, it is hereby ORDERED that on or before Friday, November 4, 2022 at 2:00 PM, the Parties shall meet, confer, and file a Joint Status Report addressing the following issues: (1) a proposed briefing schedule for Plaintiffs' <u>4</u> Emergency Motion; (2) a statement addressing whether a hearing on Plaintiffs' <u>4</u> Motion is necessary, and if so, a proposed date and time for such a hearing; and (3) a statement addressing whether the Parties anticipate factual disputes between affiants. The Parties may also address any other issues that they believe will be helpful to the Court. Any disagreements should be noted in the Joint Status Report. Signed by Judge Carl J. Nichols on November 3, 2022. (lccjn3) (Entered: 11/03/2022)
11/03/2022	<u>5</u>	STANDING ORDER. Signed by Judge Carl J. Nichols on November 3, 2022. (lccjn3)

		(Entered: 11/03/2022)
11/03/2022		Set/Reset Deadlines: Joint Status Report due by 11/4/2022. (zcal) (Entered: 11/03/2022)
11/03/2022	<u>6</u>	NOTICE of Appearance by Kathleen M. Konopka on behalf of DISTRICT OF COLUMBIA (Konopka, Kathleen) (Entered: 11/03/2022)
11/03/2022	<u>7</u>	SEALED MOTION for Temporary Restraining Order filed by DISTRICT OF COLUMBIA, STATE OF CALIFORNIA, STATE OF ILLINOIS. (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Declaration 1, # <u>2</u> Declaration 2, # <u>3</u> Text of Proposed Order)(znmw) (Entered: 11/03/2022)
11/03/2022	<u>8</u>	NOTICE of Appearance by Paula Lauren Gibson on behalf of STATE OF CALIFORNIA (Gibson, Paula) (Entered: 11/03/2022)
11/03/2022	<u>9</u>	NOTICE of Appearance by Paul Harper on behalf of STATE OF ILLINOIS (Harper, Paul) (Entered: 11/03/2022)
11/03/2022	<u>10</u>	NOTICE of Appearance by Mark Andrew Perry on behalf of KROGER CO. (Perry, Mark) (Entered: 11/03/2022)
11/03/2022	<u>11</u>	NOTICE of Appearance by Elizabeth Louise Maxeiner on behalf of STATE OF ILLINOIS (Maxeiner, Elizabeth) (Entered: 11/03/2022)
11/03/2022	<u>12</u>	NOTICE of Appearance by Geoffrey Comber on behalf of DISTRICT OF COLUMBIA (Comber, Geoffrey) (Entered: 11/03/2022)
11/03/2022	<u>13</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Stephen L. Ascher, Filing fee \$ 100, receipt number ADCDC-9648369. Fee Status: Fee Paid. by ALBERTSONS COMPANIES, INC.. (Attachments: # <u>1</u> Declaration of Stephen L. Ascher in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Certificate of Good Standing (NY), # <u>3</u> Text of Proposed Order)(Cohen, Zachary) (Entered: 11/03/2022)
11/03/2022	<u>14</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Gabriel Gillett, Filing fee \$ 100, receipt number ADCDC-9648384. Fee Status: Fee Paid. by ALBERTSONS COMPANIES, INC.. (Attachments: # <u>1</u> Declaration of Gabriel Gillett in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Certificates of Good Standing (IL and NY), # <u>3</u> Text of Proposed Order)(Cohen, Zachary) (Entered: 11/03/2022)
11/03/2022	<u>15</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- William S.C. Goldstein, Filing fee \$ 100, receipt number ADCDC-9648407. Fee Status: Fee Paid. by ALBERTSONS COMPANIES, INC.. (Attachments: # <u>1</u> Declaration of William S.C. Goldstein in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Certificate of Good Standing (NY), # <u>3</u> Text of Proposed Order)(Cohen, Zachary) (Entered: 11/03/2022)
11/03/2022	<u>16</u>	NOTICE of Appearance by Andrew Santo Tulumello on behalf of KROGER CO. (Tulumello, Andrew) (Entered: 11/03/2022)
11/03/2022	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Miriam J. Wayne, Filing fee \$ 100, receipt number ADCDC-9648424. Fee Status: Fee Paid. by ALBERTSONS COMPANIES, INC.. (Attachments: # <u>1</u> Declaration of Miriam J. Wayne in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Certificate of Good Standing (IL), # <u>3</u> Text of Proposed Order)(Cohen, Zachary) (Entered: 11/03/2022)
11/03/2022		MINUTE ORDER. The Court having considered Defendant's <u>13</u> Motion For Leave to Appear Pro Hac Vice of Stephen L. Ascher, and it appearing to the Court that the attorney referenced therein meets the requirements for pro hac vice admission under Local Civil Rule 83.2, it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that Stephen L. Ascher is ADMITTED to practice before the Court pro hac vice. Counsel

		should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a) Click for instructions. Signed by Judge Carl J. Nichols on November 3, 2022. (lccjn3) (Entered: 11/03/2022)
11/03/2022		MINUTE ORDER. The Court having considered Defendant's <u>14</u> Motion For Leave to Appear Pro Hac Vice of Gabriel Gillett, and it appearing to the Court that the attorney referenced therein meets the requirements for pro hac vice admission under Local Civil Rule 83.2, it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that Gabriel Gillett is ADMITTED to practice before the Court pro hac vice. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a) Click for instructions. Signed by Judge Carl J. Nichols on November 3, 2022. (lccjn3) (Entered: 11/03/2022)
11/03/2022		MINUTE ORDER. The Court having considered Defendant's <u>15</u> Motion For Leave to Appear Pro Hac Vice of William S.C. Goldstein, and it appearing to the Court that the attorney referenced therein meets the requirements for pro hac vice admission under Local Civil Rule 83.2, it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that William S.C. Goldstein is ADMITTED to practice before the Court pro hac vice. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a) Click for instructions. Signed by Judge Carl J. Nichols on November 3, 2022. (lccjn3) (Entered: 11/03/2022)
11/03/2022		MINUTE ORDER. The Court having considered Defendant's <u>17</u> Motion For Leave to Appear Pro Hac Vice of Miriam J. Wayne, and it appearing to the Court that the attorney referenced therein meets the requirements for pro hac vice admission under Local Civil Rule 83.2, it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that Miriam J. Wayne is ADMITTED to practice before the Court pro hac vice. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a) Click for instructions. Signed by Judge Carl J. Nichols on November 3, 2022. (lccjn3) (Entered: 11/03/2022)
11/03/2022	<u>18</u>	NOTICE of Appearance by Sonia Kuester Pfaffenroth on behalf of KROGER CO. (Pfaffenroth, Sonia) (Entered: 11/03/2022)
11/03/2022	<u>19</u>	NOTICE of Appearance by Michael B. Bernstein on behalf of KROGER CO. (Bernstein, Michael) (Entered: 11/03/2022)
11/03/2022	<u>20</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Matthew M. Wolf, Filing fee \$ 100, receipt number ADCDC-9648516. Fee Status: Fee Paid. by KROGER CO.. (Attachments: # <u>1</u> Declaration Declaration)(Bernstein, Michael) (Entered: 11/03/2022)
11/03/2022	<u>21</u>	NOTICE of Proposed Order by KROGER CO. re <u>20</u> MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Matthew M. Wolf, Filing fee \$ 100, receipt number ADCDC-9648516. Fee Status: Fee Paid. (Bernstein, Michael) (Entered: 11/03/2022)
11/03/2022	<u>22</u>	NOTICE of Appearance by Jason C. Ewart on behalf of KROGER CO. (Ewart, Jason) (Entered: 11/03/2022)
11/03/2022	<u>23</u>	NOTICE of Appearance by Edward David Hassi on behalf of ALBERTSONS COMPANIES, INC. (Hassi, Edward) (Entered: 11/03/2022)
11/03/2022	<u>24</u>	NOTICE of Appearance by Leah S. Martin on behalf of ALBERTSONS COMPANIES, INC. (Martin, Leah) (Entered: 11/03/2022)

PACER Service Center

Transaction Receipt

