

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA**

**DISTRICT OF COLUMBIA, *et al.*,**

**Plaintiffs,**

**v.**

**THE KROGER CO., *et al.*,**

**Defendants.**

**Case No. 1:22-cv-3357**

**[PROPOSED] TEMPORARY RESTRAINING ORDER**

Upon consideration of the Plaintiffs' Motion for a Temporary Restraining Order, any opposition thereto, the hearings before this Court, the relevant legal authorities, and the record of this case as a whole;

The Court finds that Plaintiffs are likely to succeed on the merits of their claims. The Court further concludes that Plaintiffs have shown a likelihood of irreparable injury in the absence of injunctive relief, that the balance of equities favors the Plaintiffs, and that a temporary restraining order would be in the public interest. Given these considerations, the Court finds that injunctive relief is warranted in this case.

It is, therefore, ORDERED that Plaintiffs' Motion for a Temporary Restraining Order is GRANTED. Albertsons Companies, Inc. and its officers, agents, servants, employees, and attorneys, as well as any other persons who are in active concert or participation with the foregoing, are HEREBY ENJOINED from issuing the special cash dividend that was publicly announced on October 14, 2022 in connection with its proposed merger with the Kroger Company.

**IT IS SO ORDERED.**

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_

United States District Judge