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**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  
Case in other court: USCA, 22-07168  
Cause: 15:1 Antitrust Litigation

Date Filed: 11/02/2022  
Date Terminated: 02/27/2023  
Jury Demand: None  
Nature of Suit: 410 Anti-Trust  
Jurisdiction: Federal Question

**Plaintiff**

**DISTRICT OF COLUMBIA**

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**Plaintiff**

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V.

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**Defendant**

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Date Filed	#	Docket Text
11/02/2022	<a href="#">1</a>	COMPLAINT <i>FOR EQUITABLE AND INJUNCTIVE RELIEF FOR VIOLATIONS OF SECTION ONE OF THE SHERMAN ANTITRUST ACT AND STATE ANTITRUST LAWS</i> against All Defendants (Fee Status:Filing Fee Waived) filed by CALIFORNIA ATTORNEY GENERAL OFFICE, DISTRICT OF COLUMBIA OFFICE OF ATTORNEY GENERAL, ILLINOIS. (Attachments: # <a href="#">1</a> Civil Cover Sheet Civil Cover Sheet)(Gitlin, Adam) (Attachment 1 replaced on 11/2/2022) (zljn). (Entered: 11/02/2022)

11/02/2022	<a href="#">2</a>	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: # <a href="#">1</a> Exhibit SEALED Complaint, # <a href="#">2</a> Text of Proposed Order)(Gitlin, Adam) Modified event and filers on 11/2/2022 (zljn). (Entered: 11/02/2022)
11/02/2022	<a href="#">3</a>	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: # <a href="#">1</a> Memorandum in Support Memorandum ISO TRO, # <a href="#">2</a> Declaration Weisbach Declaration, # <a href="#">3</a> Text of Proposed Order Proposed Order on TRO, # <a href="#">4</a> Text of Proposed Order Proposed Order on Sealing Motion, # <a href="#">5</a> Declaration Gitlin Declaration)(Gitlin, Adam) (Entered: 11/02/2022)
11/02/2022	<a href="#">4</a>	MOTION for Temporary Restraining Order by DISTRICT OF COLUMBIA, STATE OF CALIFORNIA, STATE OF ILLINOIS. (Attachments: # <a href="#">1</a> Declaration Weisbach Declaration (Redacted), # <a href="#">2</a> Declaration Gitlin Declaration (Redacted), # <a href="#">3</a> Text of Proposed Order Proposed Order Granting TRO)(Gitlin, Adam) (Entered: 11/02/2022)
11/03/2022		MINUTE ORDER (paperless) GRANTING plaintiffs' <a href="#">2</a> Sealed Motion for Leave to File Complaint Under Seal and <a href="#">3</a> 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' <a href="#">4</a> 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' <a href="#">4</a> Emergency Motion; (2) a statement addressing whether a hearing on Plaintiffs' <a href="#">4</a> 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	<a href="#">5</a>	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	<a href="#">6</a>	NOTICE of Appearance by Kathleen M. Konopka on behalf of DISTRICT OF COLUMBIA (Konopka, Kathleen) (Entered: 11/03/2022)
11/03/2022	<a href="#">7</a>	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: # <a href="#">1</a> Declaration 1, # <a href="#">2</a> Declaration 2, # <a href="#">3</a> Text of Proposed Order)(znmw) (Entered: 11/03/2022)
11/03/2022	<a href="#">8</a>	NOTICE of Appearance by Paula Lauren Gibson on behalf of STATE OF CALIFORNIA (Gibson, Paula) (Entered: 11/03/2022)
11/03/2022	<a href="#">9</a>	NOTICE of Appearance by Paul Harper on behalf of STATE OF ILLINOIS (Harper, Paul) (Entered: 11/03/2022)

11/03/2022	<a href="#">10</a>	NOTICE of Appearance by Mark Andrew Perry on behalf of KROGER CO. (Perry, Mark) (Entered: 11/03/2022)
11/03/2022	<a href="#">11</a>	NOTICE of Appearance by Elizabeth Louise Maxeiner on behalf of STATE OF ILLINOIS (Maxeiner, Elizabeth) (Entered: 11/03/2022)
11/03/2022	<a href="#">12</a>	NOTICE of Appearance by Geoffrey Comber on behalf of DISTRICT OF COLUMBIA (Comber, Geoffrey) (Entered: 11/03/2022)
11/03/2022	<a href="#">13</a>	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: # <a href="#">1</a> Declaration of Stephen L. Ascher in Support of Motion for Admission Pro Hac Vice, # <a href="#">2</a> Certificate of Good Standing (NY), # <a href="#">3</a> Text of Proposed Order)(Cohen, Zachary) (Entered: 11/03/2022)
11/03/2022	<a href="#">14</a>	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: # <a href="#">1</a> Declaration of Gabriel Gillett in Support of Motion for Admission Pro Hac Vice, # <a href="#">2</a> Certificates of Good Standing (IL and NY), # <a href="#">3</a> Text of Proposed Order)(Cohen, Zachary) (Entered: 11/03/2022)
11/03/2022	<a href="#">15</a>	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: # <a href="#">1</a> Declaration of William S.C. Goldstein in Support of Motion for Admission Pro Hac Vice, # <a href="#">2</a> Certificate of Good Standing (NY), # <a href="#">3</a> Text of Proposed Order)(Cohen, Zachary) (Entered: 11/03/2022)
11/03/2022	<a href="#">16</a>	NOTICE of Appearance by Andrew Santo Tulumello on behalf of KROGER CO. (Tulumello, Andrew) (Entered: 11/03/2022)
11/03/2022	<a href="#">17</a>	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: # <a href="#">1</a> Declaration of Miriam J. Wayne in Support of Motion for Admission Pro Hac Vice, # <a href="#">2</a> Certificate of Good Standing (IL), # <a href="#">3</a> Text of Proposed Order)(Cohen, Zachary) (Entered: 11/03/2022)
11/03/2022		MINUTE ORDER. The Court having considered Defendant's <a href="#">13</a> 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. <b>Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a) <a href="#">Click for instructions</a>.</b> 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 <a href="#">14</a> 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. <b>Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a) <a href="#">Click for instructions</a>.</b> 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 <a href="#">15</a> 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. <b>Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a) <a href="#">Click for instructions</a>.</b> 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 <a href="#">17</a> 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. <b>Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a) <a href="#">Click for instructions</a>.</b> Signed by Judge Carl J. Nichols on November 3, 2022. (lccjn3) (Entered: 11/03/2022)
11/03/2022	<a href="#">18</a>	NOTICE of Appearance by Sonia Kuester Pfaffenroth on behalf of KROGER CO. (Pfaffenroth, Sonia) (Entered: 11/03/2022)
11/03/2022	<a href="#">19</a>	NOTICE of Appearance by Michael B. Bernstein on behalf of KROGER CO. (Bernstein, Michael) (Entered: 11/03/2022)
11/03/2022	<a href="#">20</a>	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: # <a href="#">1</a> Declaration Declaration)(Bernstein, Michael) (Entered: 11/03/2022)
11/03/2022	<a href="#">21</a>	NOTICE of Proposed Order by KROGER CO. re <a href="#">20</a> 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	<a href="#">22</a>	NOTICE of Appearance by Jason C. Ewart on behalf of KROGER CO. (Ewart, Jason) (Entered: 11/03/2022)
11/03/2022	<a href="#">23</a>	NOTICE of Appearance by Edward David Hassi on behalf of ALBERTSONS COMPANIES, INC. (Hassi, Edward) (Entered: 11/03/2022)
11/03/2022	<a href="#">24</a>	NOTICE of Appearance by Leah S. Martin on behalf of ALBERTSONS COMPANIES, INC. (Martin, Leah) (Entered: 11/03/2022)
11/04/2022	<a href="#">25</a>	NOTICE of Appearance by Carl Margrabe on behalf of DISTRICT OF COLUMBIA (Margrabe, Carl) (Entered: 11/04/2022)
11/04/2022		MINUTE ORDER. Upon consideration of Matthew M. Wolf's Motion for Leave to Appear Pro Hac Vice <a href="#">20</a> , it is hereby ORDERED that the motion is DENIED. Counsels application is missing a certification that he is in good standing with the D.C. Bar. pursuant to LCvR 83.2(d)(4). Signed by Judge Carl J. Nichols on November 4, 2022. (lccjn3) (Entered: 11/04/2022)
11/04/2022	<a href="#">26</a>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Matthew M. Wolf, <i>Filing fee \$ 100, receipt number ADCDC-9648516</i> . Fee Status: No Fee Paid. by KROGER CO.. (Attachments: # <a href="#">1</a> Declaration of Matthew M. Wolf in Support of Motion for Admission Pro Hac Vice, # <a href="#">2</a> Certificate of Good Standing, # <a href="#">3</a> Text of Proposed Order) (Bernstein, Michael) (Entered: 11/04/2022)

11/04/2022		MINUTE ORDER. The Court having considered Defendant's <a href="#">26</a> Motion For Leave to Appear Pro Hac Vice of Matthew M. Wolf, 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(d), it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that Matthew M. Wolf is ADMITTED to practice before the Court pro hac vice. <b>Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a) <a href="#">Click for instructions</a>.</b> Signed by Judge Carl J. Nichols on November 4, 2022. (lccjn3) (Entered: 11/04/2022)
11/04/2022	<a href="#">27</a>	NOTICE of Appearance by Jeffrey H. Perry on behalf of KROGER CO. (Perry, Jeffrey) (Entered: 11/04/2022)
11/04/2022	<a href="#">28</a>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Adam B. Banks, Filing fee \$ 100, receipt number ADCDC-9650232. Fee Status: Fee Paid. by KROGER CO.. (Attachments: # <a href="#">1</a> Declaration of Adam B. Banks, # <a href="#">2</a> Certificate of Good Standing, # <a href="#">3</a> Text of Proposed Order)(Perry, Mark) (Entered: 11/04/2022)
11/04/2022		MINUTE ORDER. The Court having considered Defendant's <a href="#">28</a> Motion For Leave to Appear Pro Hac Vice of Adam B. Banks, 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(d), it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that Adam B. Banks is ADMITTED to practice before the Court pro hac vice. <b>Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a) <a href="#">Click for instructions</a>.</b> Signed by Judge Carl J. Nichols on November 4, 2022. (lcac) (Entered: 11/04/2022)
11/04/2022	<a href="#">29</a>	NOTICE of Appearance by Stephen Ascher on behalf of ALBERTSONS COMPANIES, INC. (Ascher, Stephen) (Entered: 11/04/2022)
11/04/2022	<a href="#">30</a>	Joint STATUS REPORT <i>Regarding Plaintiffs' Motion for Temporary Restraining Order</i> by ALBERTSONS COMPANIES, INC.. (Hassi, Edward) (Entered: 11/04/2022)
11/04/2022	<a href="#">31</a>	NOTICE of Appearance by Elizabeth Gentry Arthur on behalf of DISTRICT OF COLUMBIA (Arthur, Elizabeth) (Entered: 11/04/2022)
11/04/2022	<a href="#">32</a>	NOTICE of Appearance by Matthew M. Wolf on behalf of KROGER CO. (Wolf, Matthew) (Entered: 11/04/2022)
11/04/2022	<a href="#">33</a>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- J. Robert Abraham, Filing fee \$ 100, receipt number ADCDC-9651328. Fee Status: Fee Paid. by ALBERTSONS COMPANIES, INC.. (Attachments: # <a href="#">1</a> Declaration of J. Robert Abraham, # <a href="#">2</a> Exhibit 1 to Declaration - Certificate of Good Standing, # <a href="#">3</a> Text of Proposed Order)(Hassi, Edward) (Entered: 11/04/2022)
11/04/2022	<a href="#">34</a>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Shannon Rose Selden, Filing fee \$ 100, receipt number ADCDC-9651514. Fee Status: Fee Paid. by ALBERTSONS COMPANIES, INC.. (Attachments: # <a href="#">1</a> Declaration of Shannon Rose Selden in Support of Motion for Admission Pro Hac Vice, # <a href="#">2</a> Certificate of Good Standing, # <a href="#">3</a> Text of Proposed Order)(Hassi, Edward) (Entered: 11/04/2022)
11/04/2022	<a href="#">35</a>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by ALBERTSONS COMPANIES, INC. (This document is SEALED and only available to authorized persons.) (Attachments: # <a href="#">1</a> Exhibit - Declaration of Sharon McCollam and Exhibits, # <a href="#">2</a> Text of Proposed Order)(Hassi, Edward) (Entered: 11/04/2022)

11/04/2022	<a href="#">36</a>	Memorandum in opposition to re <a href="#">4</a> Motion for TRO, filed by KROGER CO.. (Attachments: # <a href="#">1</a> Declaration of Gary Millerchip, # <a href="#">2</a> Exhibit A to Declaration of Gary Millerchip - Merger Agreement, # <a href="#">3</a> Text of Proposed Order)(Perry, Mark) (Entered: 11/04/2022)
11/04/2022	<a href="#">37</a>	Memorandum in opposition to re <a href="#">3</a> Sealed Motion for Leave to File Document Under Seal, / <i>Defendant Albertsons Companies Inc.'s Memorandum of Law in Opposition to Motion for Temporary Restraining Order</i> filed by ALBERTSONS COMPANIES, INC.. (Attachments: # <a href="#">1</a> [Redacted] Declaration of Sharon McCollam and Exhibits, # <a href="#">2</a> Declaration of Professor David C. Smith and Exhibits)(Hassi, Edward) (Entered: 11/04/2022)
11/04/2022	<a href="#">38</a>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by KROGER CO. (Perry, Mark) (Entered: 11/04/2022)
11/05/2022	<a href="#">39</a>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests <i>indicating no publicly-traded company owns at least 10% of the stock of Albertsons Companies, Inc.</i> by ALBERTSONS COMPANIES, INC. (Hassi, Edward) (Entered: 11/05/2022)
11/06/2022		MINUTE ORDER. Upon consideration of Defendant Albertsons Unopposed Motion to File Sealed Declaration <a href="#">35</a> , it is hereby ORDERED that the Motion is GRANTED. Defendant Albertsons is permitted to file the documents attached to its motion under seal. Signed by Judge Carl J. Nichols on November 6, 2022. (lccjn1) (Entered: 11/06/2022)
11/06/2022		MINUTE ORDER. The Court having considered Defendant's <a href="#">33</a> Motion For Leave to Appear Pro Hac Vice of J. Robert Abraham, 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(d), it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that J. Robert Abraham is ADMITTED to practice before the Court pro hac vice. <b>Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a) <a href="#">Click for instructions</a>.</b> Signed by Judge Carl J. Nichols on November 6, 2022. (lccjn1) (Entered: 11/06/2022)
11/06/2022		MINUTE ORDER. The Court having considered Defendant's <a href="#">34</a> Motion For Leave to Appear Pro Hac Vice of Shannon Rose Selden, 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(d), it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that Shannon Rose Selden is ADMITTED to practice before the Court pro hac vice. <b>Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a) <a href="#">Click for instructions</a>.</b> Signed by Judge Carl J. Nichols on November 6, 2022. (lccjn1) (Entered: 11/06/2022)
11/06/2022		MINUTE ORDER. The Court has reviewed the Joint Status Report, ECF <a href="#">30</a> . It is hereby ORDERED that Plaintiffs shall file a reply, if any, in support of their Motion <a href="#">4</a> on or before November 7, 2022. It is further ORDERED that the Court will hold a hearing on Plaintiffs' Motion <a href="#">4</a> on November 8, 2022 at 3 PM in Courtroom 19. Signed by Judge Carl J. Nichols on November 6, 2022. (lccjn1) (Entered: 11/06/2022)
11/07/2022	<a href="#">40</a>	NOTICE of Appearance by Brian Matthew Yost on behalf of STATE OF ILLINOIS (Yost, Brian) (Entered: 11/07/2022)

11/07/2022	<a href="#">41</a>	NOTICE of Appearance by Gabriel K. Gillett on behalf of ALBERTSONS COMPANIES, INC. (Gillett, Gabriel) (Entered: 11/07/2022)
11/07/2022	<a href="#">42</a>	NOTICE of Appearance by Miriam J. Wayne on behalf of ALBERTSONS COMPANIES, INC. (Wayne, Miriam) (Entered: 11/07/2022)
11/07/2022	<a href="#">43</a>	NOTICE of Appearance by William S.C. Goldstein on behalf of ALBERTSONS COMPANIES, INC. (Goldstein, William) (Entered: 11/07/2022)
11/07/2022	<a href="#">44</a>	SEALED DOCUMENT filed by ALBERTSONS COMPANIES, INC. re <a href="#">37</a> Memorandum in Opposition, (This document is SEALED and only available to authorized persons.)(Hassi, Edward) (Entered: 11/07/2022)
11/07/2022	<a href="#">45</a>	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: # <a href="#">1</a> Memorandum in Support SEALED Reply in Support of Motion for TRO, # <a href="#">2</a> Text of Proposed Order Proposed Order to Seal Reply)(Gitlin, Adam) (Entered: 11/07/2022)
11/07/2022	<a href="#">46</a>	REPLY to opposition to motion re <a href="#">4</a> MOTION for Temporary Restraining Order , <a href="#">3</a> 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.) filed by DISTRICT OF COLUMBIA, STATE OF CALIFORNIA, STATE OF ILLINOIS. (Attachments: # <a href="#">1</a> Exhibit Ex. A - Washington State Court Opinion)(Gitlin, Adam) (Entered: 11/07/2022)
11/08/2022	<a href="#">47</a>	NOTICE of Appearance by Adam B. Banks on behalf of KROGER CO. (Banks, Adam) (Entered: 11/08/2022)
11/08/2022	<a href="#">48</a>	NOTICE of Appearance by Johan Robert Abraham on behalf of ALBERTSONS COMPANIES, INC. (Abraham, Johan) (Entered: 11/08/2022)
11/08/2022	<a href="#">49</a>	NOTICE of Appearance by Shannon Rose Selden on behalf of ALBERTSONS COMPANIES, INC. (Selden, Shannon) (Entered: 11/08/2022)
11/08/2022		Minute Order and Entry for Proceedings held before Judge Carl J. Nichols: Temporary Restraining Order Hearing held on 11/8/2022 re Motions <a href="#">4</a> and <a href="#">7</a> . <a href="#">4</a> and <a href="#">7</a> Motions for Temporary Restraining Order; DENIED for reasons set forth on the record. Further Order to be issued by the Court. Court Reporter: Lorraine Herman. (zcal) Modified on 12/13/2022 to correct hearing type (zcam). (Entered: 11/08/2022)
11/08/2022	<a href="#">50</a>	ORDER Denying Motion for Temporary Restraining Order. Signed by Judge Carl J. Nichols on November 8, 2022. (lccjn3) (Entered: 11/08/2022)
11/08/2022	<a href="#">52</a>	SEALED REPLY TO OPPOSITION filed by DISTRICT OF COLUMBIA, STATE OF CALIFORNIA, STATE OF ILLINOIS re <a href="#">4</a> Motion for TRO, (This document is SEALED and only available to authorized persons.)(zed) (Entered: 11/23/2022)
11/17/2022	<a href="#">51</a>	Consent MOTION for Extension of Time to File Response/Reply [ <i>Dkt. No. 1</i> ] by KROGER CO.. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Text of Proposed Order)(Pfaffenroth, Sonia) (Entered: 11/17/2022)
11/17/2022		MINUTE ORDER. Upon consideration of the Consent Motion for Extension of Time <a href="#">51</a> , it is hereby ORDERED that the Motion is GRANTED. Defendants shall file a response to the Complaint on or before December 22, 2022. Signed by Judge Carl J. Nichols on November 17, 2022. (lccjn3) (Entered: 11/17/2022)

12/01/2022	<a href="#">53</a>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by DISTRICT OF COLUMBIA (This document is SEALED and only available to authorized persons.) (Attachments: # <a href="#">1</a> Memorandum in Support of Motion for PI, # <a href="#">2</a> Declaration of Michael Weisbach, # <a href="#">3</a> Declaration of Adam Gitlin, # <a href="#">4</a> Text of Proposed Order on Motion for PI, # <a href="#">5</a> Text of Proposed Order on Sealing Motion)(Gitlin, Adam) (Entered: 12/01/2022)
12/01/2022	<a href="#">54</a>	MOTION for Preliminary Injunction by DISTRICT OF COLUMBIA. (Attachments: # <a href="#">1</a> Declaration of Michael Weisbach (Redacted), # <a href="#">2</a> Declaration of Adam Gitlin (Redacted), # <a href="#">3</a> Text of Proposed Order on Motion for PI)(Gitlin, Adam) (Entered: 12/01/2022)
12/01/2022		MINUTE ORDER. In light of Plaintiffs' <a href="#">54</a> Motion for Preliminary Injunction, it is hereby ORDERED that on or before Monday, December 5, 2022, at 12:00 PM, the Parties shall meet, confer, and file a Joint Status Report regarding a proposed schedule for resolution of Plaintiffs' <a href="#">54</a> Motion. 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 December 1, 2022. (lccjn3) (Entered: 12/01/2022)
12/01/2022		Set/Reset Deadlines: Joint Status Report due by 12/5/2022. (zcam) (Entered: 12/02/2022)
12/05/2022	<a href="#">55</a>	Joint STATUS REPORT <i>Regarding Plaintiffs' Motion for Preliminary Injunction</i> by DISTRICT OF COLUMBIA. (Comber, Geoffrey) (Entered: 12/05/2022)
12/05/2022		MINUTE ORDER. Upon consideration of the Parties' Joint Status Report <a href="#">55</a> , it is hereby ORDERED that Defendants shall file their responses to Plaintiffs' Motion for a Preliminary Injunction <a href="#">54</a> on or before December 8, 2022, at 5:00 PM EST. Plaintiffs shall file their reply on or before December 9, 2022. Defendants' responses should focus on the new arguments raised in the Motion for a Preliminary Injunction. Signed by Judge Carl J. Nichols on December 5, 2022. (lccjn3) (Entered: 12/05/2022)
12/05/2022		Set/Reset Deadlines: Response due by 12/8/2022. Reply due by 12/9/2022. (zkh) (Entered: 12/05/2022)
12/05/2022	<a href="#">56</a>	SEALED MOTION filed by DISTRICT OF COLUMBIA (Attachments: # <a href="#">1</a> Declaration of Michael Weisbach, # <a href="#">2</a> Declaration of Adam Gitlin, # <a href="#">3</a> Text of Proposed Order on Motion for Preliminary Injunction)(Gitlin, Adam) (Entered: 12/05/2022)
12/08/2022	<a href="#">57</a>	Memorandum in opposition to re <a href="#">54</a> Motion for Preliminary Injunction filed by KROGER CO.. (Pfaffenroth, Sonia) (Entered: 12/08/2022)
12/08/2022	<a href="#">58</a>	DECLARATION OF GARY MILLERCHIP IN OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION by KROGER CO. re <a href="#">57</a> Memorandum in Opposition filed by KROGER CO.. (Attachments: # <a href="#">1</a> Exhibit A)(Pfaffenroth, Sonia) (Entered: 12/08/2022)
12/08/2022	<a href="#">59</a>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by ALBERTSONS COMPANIES, INC. (This document is SEALED and only available to authorized persons.) (Attachments: # <a href="#">1</a> Exhibit 1 - Albertsons' Sealed Memorandum of Law in Opposition to Motion for Preliminary Injunction, # <a href="#">2</a> Exhibit 2 - Sealed Declaration of Sharon McCollam, # <a href="#">3</a> Exhibit 3 - Proposed Order)(Hassi, Edward) (Entered: 12/08/2022)

12/08/2022	<a href="#">60</a>	Memorandum in opposition to re <a href="#">54</a> Motion for Preliminary Injunction / <i>[Redacted] Memorandum of Law in Opposition to Motion for Preliminary Injunction</i> filed by ALBERTSONS COMPANIES, INC.. (Attachments: # <a href="#">1</a> <i>[Redacted]</i> Declaration of Sharon McCollam, # <a href="#">2</a> Exhibit A to McCollam Declaration, # <a href="#">3</a> Supplemental Declaration of Professor David C. Smith, # <a href="#">4</a> Declaration of Edward D. Hassi, # <a href="#">5</a> Exhibit 1 to Hassi Declaration - TRO Hearing Transcript, # <a href="#">6</a> Exhibit 2 to Hassi Declaration - Washington Hearing Transcript)(Hassi, Edward) (Entered: 12/08/2022)
12/09/2022	<a href="#">61</a>	NOTICE OF SUPPLEMENTAL AUTHORITY by KROGER CO. (Attachments: # <a href="#">1</a> Attachment A - Order Denying The State of Washington's Motion for Preliminary Injunction)(Perry, Mark) (Entered: 12/09/2022)
12/09/2022	<a href="#">62</a>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by DISTRICT OF COLUMBIA (This document is SEALED and only available to authorized persons.) (Attachments: # <a href="#">1</a> Memorandum in Support of Reply, # <a href="#">2</a> Declaration of Michael Weisbach, # <a href="#">3</a> Declaration of Carl Margrabe, # <a href="#">4</a> Text of Proposed Order of Sealing Order)(Gitlin, Adam) (Entered: 12/09/2022)
12/10/2022	<a href="#">63</a>	REPLY to opposition to motion re <a href="#">57</a> Memorandum in Opposition, <a href="#">60</a> Memorandum in Opposition,, <i>[Redacted] Reply in Support of Motion for Preliminary Injunction</i> filed by DISTRICT OF COLUMBIA, STATE OF CALIFORNIA, STATE OF ILLINOIS. (Attachments: # <a href="#">1</a> Declaration (Supplemental) of Michael Weisbach, # <a href="#">2</a> Declaration (Redacted) of Carl Margrabe)(Gitlin, Adam) (Entered: 12/10/2022)
12/12/2022	<a href="#">64</a>	<p>TRANSCRIPT OF PRELIMINARY INJUNCTION PROCEEDINGS before Judge Carl J. Nichols, held on November 8, 2022; Page Numbers: 1-93. Date of Issuance: December 12, 2022. Court Reporter: Lorraine T. Herman. Telephone number: 202-354-3196. Transcripts may be ordered by submitting the <a href="#">Transcript Order Form</a></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 1/2/2023. Redacted Transcript Deadline set for 1/12/2023. Release of Transcript Restriction set for 3/12/2023.(Herman, Lorraine) (Entered: 12/12/2022)</p>
12/12/2022	<a href="#">65</a>	SEALED ORDER: Denying Motion for Preliminary Injunction <a href="#">54</a> and <a href="#">56</a> . Signed by Judge Carl J. Nichols on 12/12/2022. (This document is SEALED and only available to authorized persons.) (zcam) ( (Entered: 12/12/2022)
12/12/2022	<a href="#">66</a>	MOTION for Injunction <i>[Temporary] Pending Appeal</i> by DISTRICT OF COLUMBIA, STATE OF CALIFORNIA, STATE OF ILLINOIS. (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed Order on Motion for Temporary Injunction Pending Appeal)(Gitlin, Adam) (Entered: 12/12/2022)

12/13/2022	<a href="#">67</a>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <a href="#">65</a> Sealed Order by DISTRICT OF COLUMBIA, STATE OF CALIFORNIA, STATE OF ILLINOIS. Fee Status: No Fee Paid. Parties have been notified. (Gitlin, Adam) (Entered: 12/13/2022)
12/13/2022		MINUTE ORDER. Upon consideration of Plaintiffs' Motion for Injunction <a href="#">66</a> , it is hereby ORDERED that Defendants shall file responses on or before December 14, 2022, at 12:00 PM EST. Signed by Judge Carl J. Nichols on December 13, 2022. (lccjn3) (Entered: 12/13/2022)
12/13/2022		Set/Reset Deadlines: Responses due by 12/14/2022. (zcam) (Entered: 12/13/2022)
12/13/2022	<a href="#">68</a>	Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The Court of Appeals docketing fee was not paid because the appeal was filed by the government re <a href="#">67</a> Notice of Appeal to DC Circuit Court. (zed) (Entered: 12/13/2022)
12/13/2022	<a href="#">69</a>	ORDER Denying Preliminary Injunction <a href="#">54</a> and <a href="#">56</a> . Signed by Judge Carl J. Nichols on December 12, 2022. (lccjn3) (Entered: 12/13/2022)
12/13/2022		USCA Case Number 22-7168 for <a href="#">67</a> Notice of Appeal to DC Circuit Court filed by DISTRICT OF COLUMBIA, STATE OF CALIFORNIA, STATE OF ILLINOIS. (znmw) (Entered: 12/14/2022)
12/14/2022	<a href="#">70</a>	Memorandum in opposition to re <a href="#">66</a> Motion for Injunction <i>Defendant The Kroger CO.'s Memorandum in Opposition to Plaintiffs' Motion for a Temporary Injunction Pending Appeal</i> filed by KROGER CO.. (Pfaffenroth, Sonia) (Entered: 12/14/2022)
12/14/2022	<a href="#">71</a>	Memorandum in opposition to re <a href="#">66</a> Motion for Injunction filed by ALBERTSONS COMPANIES, INC.. (Hassi, Edward) (Entered: 12/14/2022)
12/14/2022	<a href="#">72</a>	ORDER denying <a href="#">66</a> Motion for Injunction. Signed by Judge Carl J. Nichols on December 14, 2022. (lccjn3) (Entered: 12/14/2022)
12/20/2022	<a href="#">73</a>	Consent MOTION for Extension of Time to <i>file responses</i> , MOTION to Modify <i>Motion To Dismiss Briefing Schedule</i> by KROGER CO.. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Pfaffenroth, Sonia) (Entered: 12/20/2022)
12/22/2022		MINUTE ORDER. Upon consideration of the Consent Motion for Extension of Time <a href="#">73</a> , it is hereby ORDERED that the Motion is GRANTED. Defendants shall file a response to the Complaint on or before January 12, 2023. If the Defendants file a Motion to Dismiss, Plaintiffs shall file any opposition to the Motion to Dismiss by February 15, 2023 and Defendants shall file a reply by March 8, 2023. Signed by Judge Carl J. Nichols on December 22, 2022. (lccjn3) (Entered: 12/22/2022)
12/22/2022		Set/Reset Deadlines: Response to complaint due by 1/12/2023. If Motion to Dismiss filed then Opposition due by 2/15/2023 and Reply due by 3/8/2023. (zglw) (Entered: 12/22/2022)
01/06/2023	<a href="#">74</a>	Consent MOTION for Extension of Time to File Answer re <a href="#">1</a> Complaint, / <i>Consent Motion for Extension of Time and for</i> MOTION to Modify Modification of Motion to Dismiss Briefing Schedule by ALBERTSONS COMPANIES, INC.. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Hassi, Edward). Added MOTION to Modify on 1/6/2023 (zed). (Entered: 01/06/2023)
01/10/2023		MINUTE ORDER. Upon consideration of the Consent Motion for Extension of Time <a href="#">74</a> , it is hereby ORDERED that the Motion is GRANTED. Defendants shall file a

		response to the Complaint on or before February 9, 2023. If the Defendants file a Motion to Dismiss, Plaintiffs shall file any opposition to the Motion to Dismiss by March 15, 2023 and Defendants shall file a reply by April 5, 2023. Signed by Judge Carl J. Nichols on January 10, 2023. (lccjn3) (Entered: 01/10/2023)
01/10/2023		Set/Reset Deadlines: Answer due by 2/9/2023. Responses due by 3/15/2023. Replies due by 4/5/2023. (zcam) (Entered: 01/11/2023)
02/02/2023	<a href="#">75</a>	Consent MOTION for Extension of Time to / <i>Motion for Extension of Time and for Modification of Motion to Dismiss Briefing Schedule</i> by ALBERTSONS COMPANIES, INC., KROGER CO.. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Hassi, Edward) (Entered: 02/02/2023)
02/02/2023		MINUTE ORDER. Upon consideration of the <a href="#">75</a> Consent Motion for Extension of Time, it is hereby ORDERED that the Motion is GRANTED. Defendants shall file a response to the Complaint within 30 days of a decision from the Court of Appeals on the pending motion for vacatur. If the Defendants file a Motion to Dismiss, Plaintiffs shall file any opposition to the Motion to Dismiss within 30 days of Defendants filing their motion. Defendants shall file a reply within 21 days of the filing of the opposition. Signed by Judge Carl J. Nichols on February 2, 2023. (lccjn3) (Entered: 02/02/2023)
02/03/2023		RESOLVED...NOTICE of Provisional/Government Not Certified Status re <a href="#">75</a> Consent MOTION for Extension of Time to / <i>Motion for Extension of Time and for Modification of Motion to Dismiss Briefing Schedule</i> by ALBERTSONS COMPANIES, INC., KROGER CO.. (Attachments: # 1 Text of Proposed Order)(Hassi, Edward).  Your attorney renewal/government certification has not been received. As a result, your membership with the U.S. District & Bankruptcy Courts for the District of Columbia is not in good standing, and you are not permitted to file. Pursuant to Local Civil Rule 83.9, you must immediately correct your membership status by following the appropriate instructions on this page of our website: <a href="https://www.dcd.uscourts.gov/attorney-renewal">https://www.dcd.uscourts.gov/attorney-renewal</a> .  Please be advised that the presiding judge in this case has been notified that you are currently not in good standing to file in this court. Renewal Due by 2/10/2023. (zbaj) Modified on 2/8/2023 (zbaj). (Entered: 02/03/2023)
02/23/2023	<a href="#">76</a>	MANDATE of USCA as to <a href="#">67</a> Notice of Appeal to DC Circuit Court filed by DISTRICT OF COLUMBIA, STATE OF CALIFORNIA, STATE OF ILLINOIS ; USCA Case Number 22-7168. (Attachment: # <a href="#">1</a> USCA Order February 23, 2023)(zjm) (Entered: 02/24/2023)
02/24/2023	<a href="#">77</a>	NOTICE of Voluntary Dismissal by All Plaintiffs (Gitlin, Adam) (Entered: 02/24/2023)