

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
CINCINNATI DIVISION**

THE KROGER CO.,

Plaintiff,

v.

THE FEDERAL TRADE COMMISSION, *et al.*,

Defendants.

No. 1:24-cv-00438-DRC
Hon. Douglas R. Cole

**NOTICE OF OREGON DISTRICT COURT DECISION
AND WASHINGTON STATE COURT DECISION**

Defendants respectfully provide the Court with notice of the Oregon district court's December 10, 2024 decision preliminarily enjoining The Kroger Company ("Kroger") and Albertsons Companies, Inc. ("Albertsons") from consummating the proposed merger pending the outcome of the administrative proceedings before the Federal Trade Commission ("FTC"). *See* Opinion & Order, *FTC v. The Kroger Co.*, No. 3:24-cv-00347-AN (D. Or. Dec. 10, 2024), ECF No. 521 at 71 (attached as Exhibit A).

Defendants also provide the Court with notice of the Washington state court's December 10, 2024 decision permanently enjoining Kroger and Albertsons from consummating the proposed merger. *See* Findings of Fact and Conclusions of Law, *Washington v. The Kroger Co.*, No. 24-2-00977-9 (King Cty. Sup. Ct. Dec. 10, 2024) at 121 (attached as Exhibit B).

Defendants expect to submit a status report jointly with Plaintiffs by December 17, 2024, regarding next steps in this case.

Dated: December 11, 2024

Respectfully submitted,

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