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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

**STIPULATED TEMPORARY
RESTRAINING ORDER**

Plaintiff Federal Trade Commission and Defendants The Kroger Company and Albertsons Companies, Inc., hereby stipulate to a Temporary Restraining Order in federal district court stating that:

- a. Kroger and Albertsons shall not consummate the Proposed Transaction until after 11:59 PM Eastern Time on the fifth (5th) business day after the court rules on the FTC's

motion for a preliminary injunction pursuant to Section 13(b) of the Federal Trade Commission Act or until after the date set by the District Court, whichever is later; and

- b. In connection with the paragraph immediately above, Kroger and Albertsons shall take any and all necessary steps to prevent any of their officers, directors, domestic or foreign agents, divisions, subsidiaries, affiliates, partnerships, or joint ventures from consummating, directly or indirectly, any such transaction; and
- c. In computing any period of time specified in this attachment, the day of the act, event, or default that triggers the period shall be excluded. The term “business day” as used in this attachment refers to any day that is not a Saturday, Sunday, or federal holiday.

/s/ Rohan Pai
Counsel for Federal Trade Commission

February 26, 2024
Date

/s/ Michael B. Bernstein
Counsel for The Kroger Co.

February 26, 2024
Date

/s/ Ted Hassi
Counsel for Albertsons Cos., Inc.

February 26, 2024
Date

SO ORDERED:

February 27, 2024


Adrienne E. Nelson
UNITED STATES DISTRICT JUDGE