



§ 3.34(c). Accordingly, Bain's current deadline to object and/or move to limit or quash the subpoena is April 8, 2024.

Counsel for Bain and the FTC met and conferred by video conference on April 4, 2024. During the conference, Counsel for Bain and the FTC agreed that an extension of the deadline to seek relief from the Subpoena would allow the meet and confer process to continue and afford Bain additional time necessary to continue investigating the Subpoena and preparing its initial responses. Bain indicated a willingness to produce responsive documents on a rolling basis, subject to and without waiving its objections. Subsequently, on April 5, 2024, counsel for the FTC informed Bain's counsel that the FTC will not oppose this motion for a fourteen (14) day extension of Bain's deadline to object or otherwise move to limit or quash the subpoena.

Granting this extension will allow Bain to preserve its rights to object and/or seek adjudicative relief while Bain evaluates the Subpoena and investigates sources of potentially responsive documents. Without an extension, Bain will need to file an immediate motion to quash or limit the Subpoena to preserve its rights to assert any objections it may have. Conversely, an extension will also allow counsel for Bain and the FTC to further meet and confer regarding the scope of the Subpoena and negotiate the content of Bain's response, potentially obviating the need for any such motion practice in the future. FTC Counsel has indicated that it does not oppose this motion.¹

Accordingly, Bain respectfully requests that this unopposed motion to extend the time to file a motion to quash or limit the Subpoena be granted and that Bain be given until April 22, 2024,

¹ Bain recognizes that additional time beyond the requested extension may be required to resolve the meet and confer process and respond to the Subpoena or otherwise move for relief from the Subpoena as necessary. Therefore, Bain reserves all rights to request additional extensions of the time to seek relief from or respond to the Subpoena as necessary in the future.

to file any such motion. A proposed order granting the requested relief is attached hereto as Exhibit A.

Dated: April 9, 2024
Boston, Massachusetts

Respectfully submitted,

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*Counsel to Subpoena Recipient
Bain & Company, Inc.*

CERTIFICATE OF SERVICE AND ELECTRONIC FILING

I hereby certify that on April 10, 2024, a true and correct copy of Bain & Company, Inc.'s

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Dated: April 10, 2024
Boston, Massachusetts



Matthew L. Knowles

B

EXHIBIT A

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of

The Kroger Company
a corporation,

And

Albertsons Companies, Inc.
a corporation,

Respondents

Docket No. 9428

**[PROPOSED] ORDER GRANTING BAIN & COMPANY, INC.’S UNOPPOSED
MOTION TO EXTEND THE TIME TO MOVE TO QUASH OR LIMIT SUBPOENA**

Before the Administrative Law Judge is the Unopposed Motion to Extend the Time to File a Motion to Quash, or in the alternative to Limit the Subpoena for Production of Documents (“Subpoena”) that the Federal Trade Commission (“FTC”) Complaint Counsel served on non-party Bain & Company, Inc. (“Bain”) on or about March 28, 2024. Bain requests an extension to through and including April 22, 2024, to file any such motion to quash and/or limit, or to otherwise serve objections to the Subpoena. Having considered the motion, and the fact that it is unopposed by FTC Complaint Counsel, this Court finds that the motion should be, and hereby is, GRANTED.

IT IS THEREFORE ORDERED that the deadline for Bain to file any Motion to Quash and/or Limit the Subpoenas is extended to through and including April 22, 2024.

Signed this [__] day of April, 2024.

D. Michael Chappell
Chief Administrative Law Judge