

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of)
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The Kroger Company,)
) Docket No. 9428
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and)
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Albertsons Companies, Inc.,)
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Respondents.)
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additional expert witnesses in extraordinary circumstances.” 74 Fed. Reg. 18047, 18113 (Interim final rules with request for comment) (Jan. 13, 2009). Employing the safety valve is justified in this case where the Complaint involves two distinct theories that implicate different legal and factual issues. Further, each of Respondents’ proffered expert witnesses offers a distinct area of expertise and distinct opinion. Moreover, permitting Respondents to designate one additional expert witness will impose little, if any, burden on Complaint Counsel since, according to Respondents, Respondents designated the same six expert witnesses in the parallel federal court proceeding and Complaint Counsel is already required to respond to all six experts in federal court.

C.

For the above stated reasons, the May 28 Motion is GRANTED. This Order does not constitute a ruling that any particular expert, or particular testimony, will be admissible at the evidentiary hearing on this matter.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: June 12, 2024