

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case Number: 2024CV30459 Div.: 414 Ctrm.:
<hr/> STATE OF COLORADO <i>ex rel.</i> PHILIP J. WEISER, Attorney General, Plaintiff, v. THE KROGER CO.; ALBERTSONS COMPANIES, INC.; and C&S WHOLESALE GROCERS, LLC, Defendants.	
[PROPOSED] STIPULATED ORDER FOR TEMPORARY INJUNCTIVE RELIEF	

Upon consideration of the Parties’ Stipulated Order for Temporary Injunctive Relief, to conserve judicial and party resources, and for good cause shown, this Court hereby ORDERS that:

1. The evidentiary hearing on the Plaintiff State of Colorado’s Motion for a Preliminary Injunction scheduled to commence on August 12, 2024, shall be vacated and consolidated into the trial on the merits scheduled to commence on September 30, 2024. Absent further order of the Court and pursuant to a Stipulation of the Parties: Defendants The Kroger Co., Albertsons Companies, Inc., and C&S Wholesale Grocers, LLC shall not consummate the Proposed Transaction until 11:59 PM Mountain Time on the fifth (5th) business day after this Court rules on the State’s request for permanent injunctive relief (should the Court deny the State’s request).

2. In connection with the paragraph immediately above, Defendants 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

3. In computing any period of time specified herein, the day of the act, event, or default that triggers the period shall be excluded. The term “business day” refers to any day that is not a Saturday, Sunday, or federal holiday.

In light of the foregoing paragraphs, this Court FURTHER ORDERS that:

1. The State’s Motion for Preliminary Injunction is hereby granted as provided above and further merged into the trial on the merits of this action.

2. The August 12, 2024 hearing on the State’s Motion for Preliminary Injunction is hereby removed from the Court’s calendar.

3. The trial on the merits of this action, including a hearing on the State’s request for permanent injunctive relief shall begin as scheduled on September 30, 2024.

It is SO ORDERED.

Dated: _____

Judge Andrew J. Luxen