

Interlocutory Orders, Etc.

IN THE MATTER OF

**KONINKLIJKE AHOLD N.V.
AND
DELHAIZE GROUP NV/SA**

Docket No. C-4588. Order, March 2, 2017

Letter approving the removal of Martin's Store No. 6492 from the list of "Schedule C Additional Assets."

LETTER ORDER APPROVING REMOVAL OF CERTAIN ASSETS

Sara Razi, Esquire
Simpson Thacher & Bartlett LLP

*Re: In the Matter of Koninklijke Ahold N.V. and Delhaize Group
NV/SA, Docket No. C-4588*

Dear Ms. Razi:

This letter is to notify Respondents that the sale of Martin's Store No. 6492 will not be required pursuant to Paragraph II.B.1. and/or Paragraph IV.A. of the Decision and Order in the above-captioned matter. As such, and in accordance with Paragraph I.Z. of the Decision and Order, Martin's Store No. 6492 shall be removed from the list of "Schedule C Additional Assets" on April 1, 2017.

By direction of the Commission.

Interlocutory Orders, Etc.

IN THE MATTER OF

JERK, LLC D/B/A JERK.COM
AND
JOHN FANNING*Docket No. 9361. Order, March 3, 2017*

Order scheduling briefing on the remand of the compliance monitoring provisions of the Commission's remedial order by the United States Court of Appeals for the First Circuit.

ORDER SCHEDULING BRIEFING ON REMAND

On May 9, 2016, the United States Court of Appeals for the First Circuit issued an opinion affirming “the Commission’s entry of summary decision as to liability [in this proceeding] and all provisions of its remedial order except for compliance monitoring as to Fanning.” *Fanning v. Federal Trade Commission*, 821 F.3d 164, 177-78 (1st Cir. 2016). The court vacated and remanded that single portion of the Commission’s order for further proceedings consistent with the court’s opinion. *Id.* at 178. The court’s judgment was entered on May 9, 2016; on January 9, 2017, the Supreme Court denied Mr. Fanning’s petition for a writ of *certiorari*; and the time period for filing a petition for rehearing ended on February 3, 2017 with no such petition having been filed. This proceeding is therefore now pending before the Commission on remand.¹

¹ On August 23, 2016, the Commission issued an *Order Scheduling Briefing On Remand* in this matter, based on the understanding that Mr. Fanning had neither filed a petition for rehearing or rehearing *en banc* with the Court of Appeals nor filed a petition for writ of *certiorari* with the Supreme Court. However, Mr. Fanning subsequently advised the Commission that he had attempted to file a petition for writ of *certiorari* with the Supreme Court; that his petition had been returned to him for failure to comply with the Rules of the Supreme Court; and that the Clerk of Court subsequently granted him an additional sixty days within which to file a corrected petition. The Commission therefore vacated the briefing schedule in the August 23 Order. *Order Modifying August 23, 2016 Order* (Sept. 14, 2016), at <https://www.ftc.gov/system/files/documents/cases/160914jerkorder.pdf>.