

Interlocutory Orders, Etc.

IN THE MATTER OF

**CERBERUS INSTITUTIONAL PARTNERS V,
L.P.,
AB ACQUISITION LLC,
AND
SAFEWAY INC.**

Docket No. C-4504. Order, April 7, 2017

Letter approving application of Supervalu's sale of the Lake Stevens Store to Saar's Inc.

LETTER ORDER APPROVING DIVESTITURE OF CERTAIN ASSETS

Chris MacAvoy, Esquire
Baker Botts LLP

Re: In the Matter of Cerberus Institutional Partners V, L.P., AB Acquisition LLC, and Safeway Inc., Docket No. C-4504

Dear Mr. MacAvoy:

This letter responds to the Application for Approval of Proposed Sale of Supervalu Assets ("Application"), filed by Supervalu on February 6, 2017. The Application requests that the Federal Trade Commission approve, pursuant to Paragraph VII of the Order in this matter, Supervalu's proposed sale of the Lake Stevens Store to Saar's Inc. The Application was placed on the public record for comments until March 14, 2017, and one comment was received.

After consideration of Supervalu's Application and other available information, the Commission has determined to approve the proposed sale of the Lake Stevens Store to Saar's. In according its approval, the Commission has relied upon the information submitted and the representations made in connection with Supervalu's Application, and has assumed them to be accurate and complete.

Interlocutory Orders, Etc.

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, April 14, 2017

Order revising the briefing schedule 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 REVISING BRIEFING SCHEDULE ON REMAND

On March 3, 2017, the Commission issued an Order Scheduling Briefing on Remand following entry of judgment by the United States Court of Appeals for the First Circuit denying Respondent John Fanning's petition for review in this proceeding, and denial by the Supreme Court of Mr. Fanning's petition for a writ of *certiorari*. The March 3 Order noted that the Court of Appeals had affirmed "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 only that portion of the Commission's order for further proceedings consistent with the court's opinion. *Id.* at 178.

The court's remand applies to a single paragraph of the Commission's Final Order issued on March 13, 2015. Paragraph VI of that Order reads, in relevant part:

VI.

COMPLIANCE MONITORING – JOHN FANNING

IT IS FURTHER ORDERED that respondent John Fanning, for a period of ten (10) years after the date of issuance of this order, shall notify the Commission of the discontinuance of his current business or employment, or of his affiliation with any new business or employment. The notice shall include respondent's new business address and