

IN THE
Supreme Court of the United States

THE KROGER CO., DBA FRED MEYER, INC.,
Petitioner,

v.

ELISHA SOLANO, KATHLEEN ZACK, AND
DENISE CONROY, INDIVIDUALLY AND ON BEHALF OF OTHER CUSTOMERS,
Respondents.

**On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Ninth Circuit**

CERTIFICATE OF SERVICE

I, Ephraim A. McDowell, a member of the bar of this Court, hereby certify that, on October 5, 2026, all parties required to be served have been served. Three (3) copies of the Brief of The Retail Litigation Center, Inc. as *Amicus Curiae* in Support of Petitioner in the above-captioned case were deposited via first class mail for delivery to counsel identified below.

I further certify that an electronic copy was served via e-mail on the following parties:

JAMES REID SIGEL
DAVIS WRIGHT TREMAINE LLP
920 Fifth Avenue
Suite 3300
Seattle, WA 98104
(206) 757-8340
jamessigel@dwt.com

*Counsel of Record for Petitioner The
Kroger Co., dba Fred Meyer, Inc.*

MICHAEL ROBERT FULLER
UNDERDOG LAW OFFICE
US Bancorp Tower, 111 SW 5th Ave.
Suite 3150
Portland, OR 97204
(503) 222-2000
michael@underdoglawyer.com

*Counsel of Record for Respondents
Elisha Solano, Kathleen Zack, and
Denise Conroy, individually and on
behalf of other customers*

/s/ Ephraim A. McDowell

EPHRAIM A. MCDOWELL

COOLEY LLP

1299 Pennsylvania Ave. NW

Suite 700

Washington, DC 20004

(202) 842-7800

emcdowell@cooley.com