

ORIGINAL

UNITED STATES OF AMERICA BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)

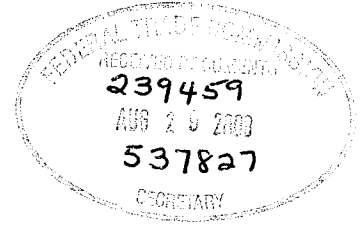
WHOLE FOODS MARKET, INC.,)
a corporation,)

and)

WILD OATS MARKETS, INC.,)
a corporation.)

Docket No. 9324

PUBLIC



MOTION FOR ORAL ARGUMENT

Respondent Whole Foods Market, Inc. hereby moves for oral argument regarding the August 22, 2008, Respondent's Motion to Disqualify the Commission as Administrative Law Judge and to Appoint a Presiding Official Other Than a Commissioner. The grounds for this motion are that oral argument would permit Respondent to address questions from the Presiding Official, respond to arguments presented by Complaint Counsel, and provide a clearer and more complete record of the basis for the Motion to Disqualify. *See* Commission Rule 3.52(h).

Dated: August 28, 2008

Respectfully submitted,

By: 

Paul T. Denis
Paul H. Friedman
Jeffrey W. Brennan
James A. Fishkin

Of Counsel:

Roberta Lang
Vice-President of Legal Affairs
And General Counsel
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Attorneys for Whole Foods Market, Inc.

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

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WHOLE FOODS MARKET, INC.,)	
a corporation,)	Docket No. 9324
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)	
)	

**ORDER GRANTING MOTION FOR ORAL ARGUMENT
AND SCHEDULING ORAL ARGUMENT**

Counsel for Respondent has filed a Motion for Oral Argument (“Joint Motion”) on Respondent’s August 22, 2008, Motion to Disqualify the Commission as Administrative Law Judge and to Appoint a Presiding Official Other Than a Commissioner. The stated grounds for the Motion are that oral argument would permit the parties to address questions from the Presiding Official, respond to arguments presented by Complaint Counsel, and provide a clearer and more complete record of the basis for the Motion to Disqualify. See Commission Rule 3.52(h).

IT IS ORDERED THAT the Motion be and it hereby is granted;

IT IS FURTHER ORDERED THAT the Oral Argument on Respondent’s Motion will be held on _____ at _____ a.m./p.m. in the Federal Trade Commission Hearing Room ____, Headquarters Building, 600 Pennsylvania Avenue, N.W., Washington, DC 20580; and

IT IS FURTHER ORDERED THAT each side will be allotted _____ minutes to present its argument, and Respondent will have the opportunity to open and close the argument.

By the Commission.

Donald S. Clark
Secretary

SEAL
ISSUED: _____

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion was served this 28th day of August, 2008, on the following persons by the indicated method:

By Hand Delivery and E-Mail:

Donald S. Clark, Secretary
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room H-172
Washington, DC 20580

By First-Class mail and E-Mail:

J. Robert Robertson, Esq.
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