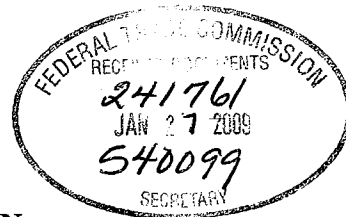


ORIGINAL



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)

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

Docket No. 9324

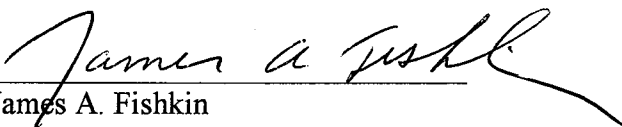
Public

**WHOLE FOODS MARKET, INC.'S NOTICE OF WITHDRAWAL OF MOTION FOR
ENFORCEMENT OF SUBPOENA DUCES TECUM ISSUED
TO NON-PARTY EREWHON NATURAL FOODS**

On January 14, 2009, Respondent Whole Foods Market, Inc. ("Whole Foods") filed a Motion for Enforcement of Subpoena Duces Tecum Issued to Non-Party Erewhon Natural Foods ("Erewhon"). Erewhon complied with the subpoena on January 23, 2009. Therefore, Whole Foods hereby withdraws its motion without prejudice. Alternatively, Whole Foods' motion can be denied as moot.

Dated: January 27, 2009

By:


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Attorneys for Whole Foods Market, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Withdrawal of Motion for Enforcement of Subpoena Duces Tecum Issued to Non-Party Erewhon Natural Foods was served on January 27, 2009, on the following persons by the indicated method:

By Hand Delivery and Email:

Donald S. Clark, Secretary
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

By Hand Delivery and Email:

The Honorable D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

By First Class Mail:

Libby De Silva
Erewhon Natural Foods Market
7660-B Beverly Blvd.
Los Angeles, CA 90036

Vice President for Erewhon Natural Foods Market

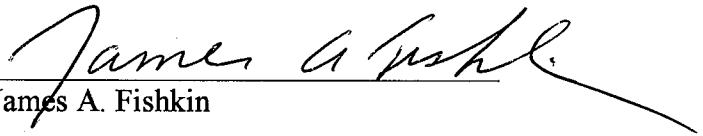
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