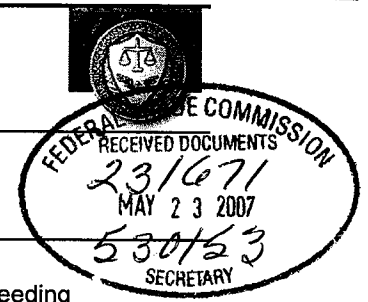


ORIGINAL

FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

NOTICE OF APPEARANCE



CASE NAME In the Matter of Paul Foster, Western Refining, Inc., and Giant Industries, Inc.	FILE/DOCKET NUMBER 9323
--	----------------------------

➤ Pursuant to Section 4.1 of the Commission's Rule of Practice, enter in the above proceeding the appearance of

counsel or representative for the respondent (Complete items 1, 2, 4, and 5 below)

counsel supporting the complaint (Complete items 1, 3, 4, and 5 below)

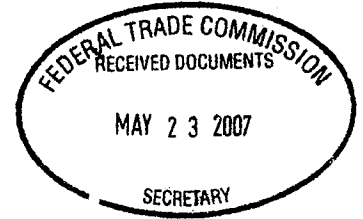
1. COUNSEL OR REPRESENTATIVE	2. RESPONDENTS
<p>Include name, address and telephone of each</p> <p>Tom D. Smith Jonathan Berman</p> <p>JONES DAY 51 Louisiana Avenue, N.W. Washington D.C. 20001-2113 Tel: (202) 879-3939</p>	<p>Include address and telephone numbers of all persons, partnerships, corporations, or associations</p> <p>Giant Industries, Inc. 23733 N. Scottsdale Road Scottsdale, AZ 85255 Tel: (480) 585-8851</p>

3. ASSOCIATE/ASSISTANT DIRECTOR

4. SIGNATURE OF SENIOR COUNSEL 	5. DATE SIGNED 5.23.07
---	---------------------------

Return this form to: H-135
Federal Trade Commission
600 Pennsylvania Ave. NW
Washington, D.C. 20580

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION



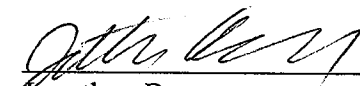
_____)	
In the Matter of)	
)	
Paul L. Foster,)	
)	
Western Refining, Inc., and)	Docket No. 9323
)	
Giant Industries, Inc.)	
_____)	

DECLARATION OF JONATHAN BERMAN

Pursuant to Section 4.1 of the Federal Trade Commission's Rules of Practice, and in support of my Notice of Appearance in this case, I certify that I am eligible to represent Giant Industries, Inc. before the Federal Trade Commission as I am a member of the District of Columbia Bar (Bar No. 445169) and in good standing within the legal profession.

DATED: May 23, 2007

Respectfully submitted,

By: 
Jonathan Berman

JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
Tel: (202) 879-3939
Fax: (202) 626-1700

Attorney for Respondent Giant Industries, Inc.

CERTIFICATE OF SERVICE AND COMPLIANCE

I, Hugh M. Hollman, certify that on May 23, 2007, copies of the above Defendant Giant Industries, Inc.'s Answer to Complaint and Notice of Appearance (with accompanying declarations) were served on the following as indicated:

Hon. Stephen J. McGuire
Chief Administrative Law Judge
Federal Trade Commission
Room H-112
600 Pennsylvania Avenue, NW
Washington, DC 20580
Tel: (202) 326-3637
(Via hand delivery)

Donald S. Clark
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Room H-135
Washington, DC 20580
Tel: (202) 326-3665
dclark@ftc.gov; secretary@ftc.gov
(Via e-mail and hand delivery)

Peter Richman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
Tel: 202-326-2563
prichman@ftc.gov
(Via e-mail and hand delivery)

Marian Bruno
Associate Director, Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
(Via registered mail)

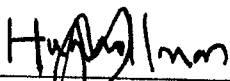
Alden Abbott
Associate Director, Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
(Via registered mail)

Thomas Lang
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Tel: (202) 912-2140
Marc.Schildkraut@hellerehrman.com
(Via e-mail and hand delivery)

I further certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that a paper copy with an original signature is being filed with the Secretary of the Commission on the same day by other means.

By:



Hugh M. Hollman
JONES DAY
Tel: (202) 879-3496