

original

ORIGINAL



UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of _____

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

Docket No. 9324

PUBLIC

To: The Honorable D. Michael Chappell
Chief Administrative Law Judge

**RESPONDENT'S MOTION TO STAY THE PROCEEDING, TO AMEND THE
SCHEDULING ORDER, AND TO CERTIFY THE QUESTIONS TO THE
COMMISSION FOR DETERMINATION**

Respondent Whole Foods Market, Inc. moves to stay this administrative proceedings until the conclusion of the remand proceedings in *Federal Trade Commission v. Whole Foods Market, Inc.* (Civ. No. 07-1021-PLF) and to amend the scheduling order in this proceeding to extend the date of the commencement of the administrative hearing until no earlier than September 14, 2009. Because the scheduling order provides that it may not be altered absent leave of the Commission, Respondent also moves that these questions immediately be certified to the Commission for determination.

Dated December 3, 2008

Respectfully submitted,



By: _____

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

DECHERT LLP
1775 I Street, N.W.
Washington, D.C. 20006
Telephone: (202) 261-3300
Facsimile: (202) 261-3333
paul.denis@dechert.com

Counsel for Respondent
Whole Foods Market, Inc.

By the Commission.

Donald S. Clark

Secretary

ISSUED: December __, 2008