

INTERLOCUTORY, MODIFYING,
VACATING, AND MISCELLANEOUS
ORDERS

IN THE MATTER OF

NORTH TEXAS SPECIALTY PHYSICIANS

Docket No. 9312 Order, August 5, 2008

Order granting the request of complaint counsel and the respondent to present views concerning how the Commission should modify subsection II.A.2 of the remedial order.

**ORDER GRANTING JOINT MOTION FOR BRIEFING ON
REMAND**

On July 28, 2008, the Court of Appeals for the Fifth Circuit issued its Mandate remanding this action to the Federal Trade Commission “for modification of subsection II.A.2 of the remedial order in a manner consistent with this opinion.” On August 1, 2008, Respondent and Complaint Counsel filed a Joint Proposal for Briefing on Remand (hereinafter “Joint Motion”). The Commission has determined to approve the Joint Motion, and also to place word limits on the briefs. Accordingly,

IT IS ORDERED THAT Complaint Counsel shall file its Proposed Modification and Brief, which shall not exceed 2,500 words in length, no later than August 13, 2008;

IT IS FURTHER ORDERED THAT Respondent shall file its Answering Brief, which shall not exceed 2,500 words in length, no later than August 29, 2008; and

IT IS FURTHER ORDERED THAT Complaint Counsel shall file its Reply Brief, which shall not exceed 1,250 words in length, no later than September 9, 2009.

By the Commission.

Interlocutory Orders, Etc.

IN THE MATTER OF

**WHOLE FOODS MARKET, INC.,
AND
WILD OATS MARKETS, INC.**

Docket No. 9324 Order, August 8, 2008

Order on motion to vacate the stay of administrative proceedings issued August 7, 2007, pending the outcome of proceedings in the collateral federal district court case, and resume action under Part III.

**ORDER RESCINDING STAY OF ADMINISTRATIVE PROCEEDING,
SETTING SCHEDULING CONFERENCE, AND DESIGNATING
PRESIDING OFFICIAL**

On June 6, 2007, the Commission filed a complaint and motions for a temporary restraining order and a preliminary injunction against Respondents in the United States District Court for the District of Columbia. On June 7, 2007, the District Court issued a Temporary Restraining Order preventing Respondent Whole Foods Market, Inc., from consummating any acquisition of any stock, assets, or other interest, directly or indirectly, in Respondent Wild Oats Markets, Inc., pending the District Court's decision on the Commission's motion for a preliminary injunction.

On June 28, 2007, the Commission issued the complaint in this administrative proceeding. The Commission retained adjudicative responsibility for the matter. *See* Commission Rule 3.42(a), 16 C.F.R. § 3.42(a). On July 17, 2007, the Respondents in this matter filed their respective Answers to the Complaint. On August 7, 2007, the Commission -- in light of the pendency of the federal court proceedings and as a matter of discretion -- issued an Order Staying Administrative Proceedings, pursuant to Commission Rule 3.51, 16 C.F.R. § 3.51.