Interlocutory Orders, Etc.

WHOLE FOODS MARKET, INC.

Docket No. 9324, Order, July 20, 2009

Order granting Kroger's request for joinder with Ahold U.S.A., Inc., New Seasons Market, Inc., Save Mart Supermarkets, Gelson's Markets, Safeway, Inc., Harris Teeter, Inc., and Apollo Management Holding L.P.

ORDER GRANTING KROGER CO. REQUEST

The Kroger Co. ("Kroger") has effected a filing joining and incorporating by reference the Motion to Enforce Protective Order ("Third Parties' Motion") which Ahold U.S.A., Inc., New Seasons Market, Inc., Save Mart Supermarkets, Gelson's Markets, Safeway, Inc., Harris Teeter, Inc., and Apollo Management Holding L.P. filed on July 2, 2009. The Commission issued an Order granting that Motion on July 9, 2009 (copy attached) and Kroger filed its joinder on July 13, 2009. The Kroger filing therefore will be treated as a request for the same relief granted by the July 9 Order.

For the reasons detailed in the July 9 Order, the Commission has determined to grant the Kroger request. Accordingly,

IT IS ORDERED THAT Whole Foods shall return immediately to Kroger all documents produced by Kroger in this matter, when so directed by the United States District Court in *Kottaras v. Whole Foods Market, Inc*., Case No. 1:08CV-01832 (D.D.C.).

By the Commission.

Interlocutory Orders, Etc.

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