



# Davis Wright Tremaine LLP

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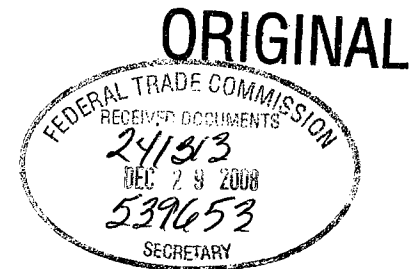
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December 29, 2008

**VIA HAND-DELIVERY**

Mr. Donald S. Clark, Secretary  
Federal Trade Commission, Room H-135  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580



**Re: Unopposed Motion to Extend Time to (Docket No. 9324)**

Dear Mr. Clark:

Enclosed for filing in the above-referenced docket please find one (1) original and twelve (12) copies of New Standard Market Inc. Unopposed Motion to Extend Time to Respond

ORIGINAL

GENERAL TRADE COMMISS

1 New Seasons has conferred with counsel for Whole Foods regarding this motion

2 and Whole Foods affirmatively consents to the motion.

3 requests an extension of the time to produce documents responsive to the subpoena until January  
4 9, 2009 because Portland, Oregon has been hit with an unprecedented storm which has buried the  
5 city in more than a foot of snow and ice since December 14, 2008 and which has rendered it  
6 virtually impossible to conduct business during that time. As of December 26, 2008, much of  
7 the city remains affected by the snow and ice. This motion is made in good faith and not for  
8 purposes of delay.

9 DATED this 29 day of December, 2008.

10 Respectfully submitted,

11 DAVIS WRIGHT TREMAINE LLP

12 By \_\_\_\_\_  
13 Robert D. Newell, OSB #790917  
14 Kevin H. Kono, OSB #023528  
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CERTIFICATE OF SERVICE

2

I hereby certify that I served a copy of the foregoing **NEW SEASONS MARKET, INC.'S UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO SUBPOENA**

3

**FROM WHOLE FOODS MARKET, INC. PURSUANT TO A SUBPOENA**

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17551 I Street, N.W.  
Washington, DC 20006-2401

600 Pennsylvania Avenue, N.W.  
Washington, DC 20580

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*Of Attorney for Defendant, New Seasons Market, Inc.*      *Of Plaintiff, Whole Foods Market, Inc.*