

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **Jon Leibowitz, Chairman**  
                                  **Pamela Jones Harbour**  
                                  **William E. Kovacic**  
                                  **J. Thomas Rosch**

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<b>In the Matter of</b>	)	
	)	<b>Docket No. 9324</b>
<b>WHOLE FOODS MARKET, INC.,</b>	)	
<b>a corporation.</b>	)	<b>PUBLIC</b>
	)	
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**ORDER DENYING GELSON’S MARKETS’  
MOTION TO ENFORCE PROTECTIVE ORDER**

Gelson’s Markets has filed a motion requesting that the Commission enforce the Protective Order Governing Confidential Information (“Protective Order”) – which the Commission issued in this administrative proceeding on October 10, 2008 – and “direct Whole Foods’ counsel to return all of Gelson’s documents immediately without retaining copies or summaries thereof.” The Commission has considered the arguments made by Gelson’s Markets and by Whole Foods in response. In particular, the Commission notes that paragraph 5200 (ID: P11758057)