

ORIGINAL

For the reasons set forth in the Motion to Enforce, Kroger respectfully requests that the Commission grant the Motion to Enforce the Protective Order and order Whole Foods to return immediately to Kroger all documents upon entry of an order permitting as much by Judge Friedman.

Respectfully submitted,

*Justin S. Antonipillai /KL*

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*Attorney for The Kroger Co.*

Dated: July 13, 2009

**CERTIFICATE OF SERVICE**

I, Danielle Garten, certify that a true and correct copy of the foregoing KROGER CO.'S JOINDER IN MOVING THIRD PARTIES' MOTION TO ENFORCE PROTECTIVE ORDER was served on counsel in this matter this 13th day of July, 2009:

By Hand Delivery:

Donald S. Clark, Secretary of the Commission  
Federal Trade Commission  
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Matthew J. Reilly, Esq.

Federal Trade Commission

601 New Jersey Avenue, N.W.  
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*Counsel for the Federal Trade Commission*

By Electronic Mail:

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*Danielle M. Garten/KC*  
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