

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

WHOLE FOODS MARKET, INC.,

and

WILD OATS MARKETS, INC.,

Defendants.

Civil Action No. 07-1021 (PLF)

ORDER

This matter is before the Court on plaintiff's motion for a preliminary injunction. Plaintiff, the Federal Trade Commission, filed this lawsuit on June 6, 2007 pursuant to Sections 7 and 11 of the Clayton Act, 15 U.S.C. §§ 18, 21, and Sections 5(b) and 13(b) of the Federal Trade Commission Act, 15 U.S.C. §§ 45(b), 53(b), seeking to enjoin defendant Whole Foods Market, Inc. from acquiring defendant Wild Oats Markets, Inc. during the pendency of an administrative proceeding to be commenced by the FTC. See Complaint at 2, 6.¹

For the reasons set forth in the Court's 93-page Opinion issued this same day under seal, it is hereby

¹ On June 7, 2007, the Court signed and entered a stipulated temporary restraining order "pending the Court's ruling on the motion of the Commission for a preliminary injunction[.]"

ORDERED that plaintiff Federal Trade Commission's motion for a preliminary injunction [4] is DENIED. This is a final appealable order. See 28 U.S.C. § 1292(a)(1); Fed. R. App. P. 4(a). Any other pending motions are denied as moot.²

SO ORDERED.

/s/
PAUL L. FRIEDMAN
United States District Judge

DATE: August 16, 2007

² Counsel for plaintiff and counsel for defendants should meet and confer and contact Chambers with their agreed-upon proposed redactions within two business days, after which time the Court will issue a redacted version of the Opinion on the public docket. As in the past, counsel should propose only those redactions necessary to protect confidential information.