

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FEDERAL TRADE COMMISSION)
600 Pennsylvania Avenue, N.W.)
Washington, D.C. 20580)

Plaintiff,)

v.)

WHOLE FOODS MARKET, INC.)
550 Bowie Street)
Austin, Texas 78703)

and)

WILD OATS MARKETS, INC.)
1821 30th Street)
Boulder, Colorado 80301)

Defendants.)

Civ. No. 07-cv-01021 - PLF

**NOTICE OF ERRATA TO MEMORANDUM IN
SUPPORT OF PLAINTIFF’S MOTIONS FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiff Federal Trade Commission submits the following errata to correct its Memorandum in Support of Plaintiff’s Motions for Temporary Restraining Order and Preliminary Injunction.

1. On page 6, in the first line replace “*Heinz*, 246 F.3d at 714.” with “*FTC v. Univ. Health, Inc.*, 938 F.2d 1206, 1217 (11th Cir. 1991)”.
2. In footnote 4, replace “*Heinz*, 246 F.3d at 714 (citing *FTC v. Univ. Health, Inc.*, 938 F.2d 1206, 1217-18 (11th Cir. 1991)); *FTC v. Warner Communications, Inc.*, 742 F.2d 1156, 1164 (9th Cir. 1984)” with “*FTC v. Univ. Health, Inc.*, 938 F.2d 1206, 1217-18 (11th Cir. 1991) (citing *FTC v. Warner Communications, Inc.*, 742 F.2d 1156, 1162 (9th Cir. 1984))”.

3. On page 12, in the middle of the page, replace “approximately 65%” with “over 60%”.
4. On page 12, at the bottom of the page, replace “40 to 45” with “48 to 50”.
5. On page 17, in the middle of the page, replace “(25% to 30%)” with “(30% to 50%)”.
6. On page 17, in the middle of the page, replace “(30% to 50%)” with “(25% to 30%)”.
7. On page 21, in the penultimate line of the page, after “supermarkets in,” add “essentially all of”.

Respectfully submitted,

Dated: June 13, 2007

/s/

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing papers were served by e-mailing a copy to:

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Dated: June 13, 2007

/s/

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