## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

FEDERAL TRADE COMMISSION,	)
Plaintiff,	)
v.	) Civil Action No. 07-1021 (PLF)
WHOLE FOODS MARKET, INC.,	)
and	)
WILD OATS MARKETS, INC.,	)
Defendants.	) ) )

## ORDER

Yesterday the Court issued a public order and a sealed opinion denying plaintiff
Federal Trade Commission's motion for a preliminary injunction, which sought 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.

This matter is now before the Court on plaintiff's motion for an injunction pending appeal of the Court's order denying plaintiff's motion for a preliminary injunction. In the alternative, the Commission requests that the Court issue an injunction pending a determination by the Court of Appeals on an application to the Court of Appeal for an injunction pending appeal.

The defendants have filed a joint memorandum in opposition, in which they note that the defendants have agreed in writing to a standstill agreement through noon on Monday,

August 20, 2007.

The Court concludes that plaintiff does not meet the standard for this Court to

grant an injunction pending appeal. The Court also concludes that in light of defendants'

agreement not to consummate the transaction until after noon on Monday, August 20, 2007,

plaintiff has sufficient time to seek interim relief from the Court of Appeals.

Accordingly, it is hereby

ORDERED that plaintiff's motion for an injunction pending appeal is DENIED.

SO ORDERED.

PAUL L. FRIEDMAN United States District Judge

DATE: August 17, 2007

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