

FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

### NOTICE OF APPEARANCE



CASE NAME IN RE. WHOLE FOODS MARKET, INC.	FILE/DOCKET NUMBER DO 9324 PUBLIC
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► Pursuant to Section 4.1 of the Commission's Rule of Practice, enter in the above proceeding the appearance of

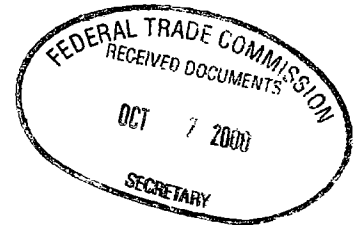
- counsel or representative for the respondent (Complete items 1, 2, 4, and 5 below)
- counsel supporting the complaint (Complete items 1, 3, 4, and 5 below)

1. COUNSEL OR REPRESENTATIVE	2. RESPONDENTS
<p><small>Include name, address and telephone of each</small></p> <p>JOHN H. HEMPFUNG II GLOBAL LITIGATION COUNSEL WHOLE FOODS MARKET 550 BOWIE STREET AUSTIN, TX 78703 (512) 542-0213</p>	<p><small>Include address and telephone numbers of all persons, partnerships, corporations, or associations</small></p> <p>WHOLE FOODS MARKET, INC. 550 BOWIE ST. AUSTIN, TX 78703 (512) 477-4455</p>

3. ASSOCIATE/ASSISTANT DIRECTOR	
4. SIGNATURE OF SENIOR COUNSEL 	5. DATE SIGNED 10/6/2008

Return this form to: H-135  
Federal Trade Commission  
600 Pennsylvania Ave. NW  
Washington, D.C. 20580

UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION



\_\_\_\_\_  
In the Matter of )  
 )  
 )  
WHOLE FOODS MARKET, INC., )  
 )  
 )  
A corporation, )  
 )  
 )  
And )  
 )  
 )  
WILD OATS MARKETS, INC. )  
 )  
 )  
A corporation )  
\_\_\_\_\_

Docket No. 9324

PUBLIC

DECLARATION OF JOHN H. HEMPFLING II

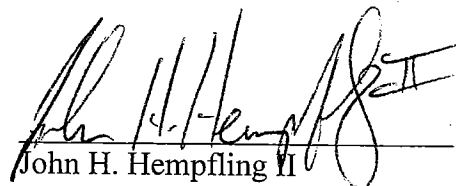
I, John H. Hempfling II declare as follows:

1. I am an attorney with Whole Foods Market, counsel with the Respondent Whole Foods Market Inc. I make this declaration pursuant to Rule 4.1(d) of the Federal Trade Commission's Rules of Practice.

2. I am a member of the State Bar of Texas (TX Bar No.24029609) I am admitted to practice before the courts of the State of Texas and the Federal District Courts for the: Northern District of Texas, Southern District of Texas, Eastern District of Texas, and Western District of Texas. I further attest that I am in good standing within the legal profession.

I declare under penalty of perjury that the foregoing is true and correct.

Executed October 2, 2008

  
John H. Hempfling II

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DECLARATION OF JOHN H. HEMPFLING II was served on October 2, 2008, upon the following persons:

By Overnight Mail and Email:

Donald S. Clark, Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., NW  
Room H-172  
Washington, D.C. 20580

By Email:

Robert Robertson, Esq.  
Federal Trade Commission 600  
Pennsylvania Ave., NW  
Washington, D.C. 20580

Matthew I. Reily, Esq.  
Catherine M. Moscatell, Esq.  
Federal Trade Commission 601  
New Jersey Avenue, NW  
Washington, D.C. 20001

Complaint Counsel

By: 

John H. Hempfling II  
Global Litigation Counsel  
Whole Foods Market  
550 Bowie Street  
Austin, Texas 78703  
Telephone: (512) 542-0213  
Facsimile: (512) 482-7213