



Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

ERIN REID
DIRECT (202) 973-4239
erinreid@dwt.com

SUITE 200
1919 PENNSYLVANIA AVENUE, N.W. TEL (202) 973-4200
WASHINGTON, D.C. 20006-3402 FAX (202) 973-4499
www.dwt.com

December 29, 2008

VIA HAND-DELIVERY

Mr. Donald S. Clark, Secretary
Federal Trade Commission, Room H-135
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580



Re: Unopposed Motion to Extend Time to (Docket No. 9324)

Dear Mr. Clark:

Enclosed for filing in the above-referenced docket please find one (1) original and twelve (12) copies of "New Seasons Market, Inc.'s Unopposed Motion to Extend Time to Respond to Subpoena From Whole Foods Market, Inc. Pursuant to ALJ Order." A copy of the Motion was electronically submitted to the Federal Trade Commission this afternoon.

Also enclosed is an additional stamp and return copy of this Motion. Please date-stamp this document and give it to the courier, who will return it to our office.

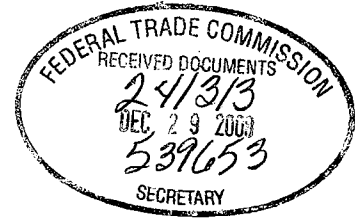
If you have any questions regarding this filing, please contact the undersigned.

Sincerely,

Erin Reid
Davis Wright Tremaine LLP

Enclosures

ORIGINAL



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UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of
WHOLE FOODS MARKET, INC.
a corporation.

Docket No. 9324

PUBLIC

**NEW SEASONS MARKET, INC.'S
UNOPPOSED MOTION TO EXTEND
TIME TO RESPOND TO SUBPOENA
FROM WHOLE FOODS MARKET,
INC. PURSUANT TO ALJ ORDER**

New Seasons Market, Inc. ("New Seasons") respectfully moves for an order extending the time to respond to the subpoena issued to it by Whole Foods Market, Inc. ("Whole Foods"), as modified by the administrative law judge, from December 29, 2008 to January 9, 2009. Whole Foods issued a subpoena to New Seasons on or about October 14, 2008. On November 24, 2008, New Seasons moved to quash or limit that subpoena. By order dated December 16, 2008, administrative law judge D. Michael Chappell denied that motion but limited the scope of the subpoena, and stated that "New Seasons shall produce all responsive documents no later than December 29, 2008."

Page 1 NEW SEASONS MARKET, INC.'S UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO SUBPOENA FROM WHOLE FOODS MARKET, INC. PURSUANT TO ALJ ORDER

1 New Seasons has conferred with counsel for Whole Foods regarding this motion
2 and Whole Foods affirmatively consents to the extension requested herein. New Seasons
3 requests an extension of the time to produce documents responsive to the subpoena until January
4 9, 2009 because Portland, Oregon has been hit with an unprecedented storm which has buried the
5 city in more than a foot of snow and ice since December 14, 2008 and which has rendered it
6 virtually impossible to conduct business during that time. As of December 26, 2008, much of
7 the city remains affected by the snow and ice. This motion is made in good faith and not for
8 purposes of delay.

9 DATED this 29 day of December, 2008.

10 Respectfully submitted,

11 
DAVIS WRIGHT TREMAINE LLP

12 By _____

13 
Robert D. Newell, OSB #790917

14 Kevin H. Kono, OSB #023528

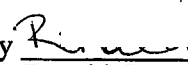
15 Tel: (503) 241-2300

16 Fax: (503) 778-5499

17 Email: bobnewell@dwt.com

18 Email: kevinkono@dwt.com

19 By _____

20 
Ronald G. London, DCB #456284

21 Davis Wright Tremaine LLP

22 1919 Pennsylvania Avenue, N.W. - Suite 200

23 Washington D.C. 20006-3402

24 Tel: (202) 973-4229

25 Fax: (202) 973-4499

26 Email: ronaldlondon@dwt.com

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **NEW SEASONS MARKET, INC.'S UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO SUBPOENA FROM WHOLE FOODS MARKET, INC. PURSUANT TO ALJ ORDER** on:

James A. Fishkin
Dechert, LLP
17551 I Street, N.W.
Washington, DC 20006-2401

J. Robert Robertson
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

Of Attorneys for Whole Foods Market, Inc.

Of Attorneys for Federal Trade Commission

Matthew J. Reilly
Catharine M. Moscatelli
Federal Trade Commission
601 New Jersey Avenue, N.W.
Washington, DC 20001

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Of Attorneys for Federal Trade
Commission

by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to said attorney's last-known address and deposited in the U.S. mail at Portland, Oregon on the date set forth below;

by sending a copy thereof to be hand-delivered to said attorney's last-known address on the date set forth below;

by causing a copy thereof via overnight courier in a sealed, prepaid envelope, addressed to said attorney's last-known address on the date set forth below;

by faxing a copy thereof to said attorney at his/her last-known facsimile number on the date set forth below; or

by electronically mailed notice on the date set forth below.

Dated this 29th day of December, 2008.

DAVIS WRIGHT TREMAINE LLP

By Ro

Ronald G. London, DCB #456284
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue, N.W. – Suite 200
Washington D.C. 20006-3402
Tel: (202) 973-4229
Fax: (202) 973-4499
Email: ronaldlondon@dwt.com