

## **The Food Partners, LLC Appointed Divestiture Trustee for FTC Settlement of Whole Foods Acquisition of Wild Oats Stores**

WASHINGTON, DC, March 8, 2009 – The Federal Trade Commission announced on Friday a settlement with Whole Foods Market, Inc., that intends to substantially restore competition that was allegedly eliminated by Whole Foods' 2007 acquisition of its closest rival, Wild Oats Markets, Inc., and resolves agency charges that the acquisition violated federal antitrust laws. Under the consent order, Whole Foods will sell 32 premium natural and organic supermarkets and related assets. Of the 32 stores, 12 operate under the Wild Oats banner and one operates under the Whole Foods banner. The remaining 19 stores are closed locations.

The order immediately places the responsibility for marketing and selling the stores with a divestiture trustee, The Food Partners LLC, who will have six months to sell the stores and related assets to one or more FTC-approved buyers. If the trustee has not sold the assets within six months, the Commission may extend the time for an additional six months provided a good-faith offer has been made in the initial six month time period. The order also requires Whole Foods to maintain the viability and competitiveness of the operating stores until the divestiture is complete.

In addition to requiring the divestiture of all rights to 32 stores, Whole Foods also is required to divest related Wild Oats intellectual property, including unrestricted rights to the "Wild Oats" brand, which retains significant name recognition and loyalty among consumers. These assets will allow one or more Commission-approved buyers to re-establish competition with Whole Foods in the majority of the markets in which the agency alleged the acquisition would reduce competition and harm consumers through higher prices and reduced quality and services.

The Food Partners, LLC (TFP) headquartered in Washington DC, is the nation's preeminent investment banking firm to the food industry. TFP provides merger, acquisition and divestiture services, private placements of debt and equity capital, financial restructuring, strategic advisory and loan portfolio services. Please visit The Food Partners' Web site for the depth of services provided, experience and contact information: [www.thefoodpartners.com](http://www.thefoodpartners.com).

### **13 Operating Store Locations:**

1. 7133 North Oracle Road, Tucson, AZ
2. 8688 East Raintree Drive, Scottsdale, AZ
3. 2584 Baseline Road, Boulder, CO
4. 1651 Broadway Street, Boulder, CO
5. 3180 New Center Point, Colorado Springs, CO
6. 5910 South University Boulevard, Littleton, CO
7. 9229 North Sheridan Boulevard, Westminster, CO
8. 340 North Main Street, West Hartford, CT
9. 4301 Main Street, Kansas City, MO
10. 1090 Saint Francis Drive, Santa Fe, NM
11. 7250 West Lake Mead Boulevard, Las Vegas, NV
12. 19440 NW Cornell Rd., Hillsboro, OR
13. 6930 South Highland Drive, Salt Lake City, UT

### **19 Non-Operating Store Locations:**

1. 5350 West Bell Road, Glendale, AZ
2. 1422 North Cooper Road, Gilbert, AZ
3. 874 East Warner Road, Gilbert, AZ
4. 9028 West Union Hills, Peoria, AZ
5. 13823 North Tatum Boulevard, Phoenix, AZ
6. 15569 West Bell Road, Surprise, AZ
7. 200 West Foothills Parkway, Fort Collins, CO
8. 8194 South Kipling Parkway, Littleton, CO
9. 6424 Naples Boulevard, Naples, FL
10. 4600 Shelbyville Road, Saint Matthews, KY
11. 87 Marginal Way, Portland, ME
12. 8819-8833 Ladue Road, St. Louis, MO
13. 7831 Dodge Street, Omaha, NE
14. 517 North Stephanie Street, Henderson, NV
15. 4879 South Virginia Street, Reno, NV
16. 5695 South Virginia Street, Reno, NV
17. 2077 NE Burnside Street, Gresham, OR
18. 17711 Jean Way, Lake Oswego, OR
19. 3736 West Center Park Drive, West Jordan, UT

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