IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

§ § ROBERT RIEGEL, on behalf of himself and all others similarly situated, 8888888888 Case No. 1:17-cv-00674-LY Plaintiff, VS. WHOLE FOODS MARKET, INC., JOHN P. § MACKEY, WALTER ROBB, JONATHAN § § SEIFFER, GABRIELLE SULZBERGER, SHAHID HASSAN, STEPHANIE KUGELMAN, JOE MANSUETO, MARY ELLEN COE, 888888 KENNETH C. HICKS, SHARON L. MCCOLLAM, RONALD M. SHAICH, and SCOTT F. POWERS, Defendants. §

NOTICE OF RESOLUTION OF ATTORNEYS' FEES REQUEST

WHEREAS, on September 12, 2017, the parties (the "Parties") in the above-captioned class action (the "Action") filed a Stipulation and Order Concerning Plaintiff's Voluntary Dismissal of the Above Action and Plaintiff's Counsel's Anticipated Joint Application for Attorneys' Fees and Expenses (the "Stipulation of Dismissal") (Dkt. No. 17);

WHEREAS, on September 14, 2017, the Court granted the Stipulation of Dismissal and retained jurisdiction of this action solely for the purpose of adjudicating any issues related to the potential Fee and Expense Application. (Dkt. No. 18);

WHEREAS, on September 15, 2017, the Parties to this Action reached a collective agreement to resolve the intended Fee and Expense Application, thereby obviating the need for further motions practice;

WHEREAS, the Parties have agreed that, in return for a full release of any and all claims for attorneys' fees and expenses in connection with this matter, as well as the two related

proceedings filed in this Court captioned Gieske v. Whole Foods Market, Inc. et al., No. 17-684, and Berg v. Whole Foods Market, Inc. et al., No. 17-677, Whole Foods Market, Inc. or its successor in interest will pay Plaintiff's counsel in the three proceedings the aggregate amount of \$280,000.00 within (10) days of the filing of this Notice;

WHEREAS, as a result of the foregoing, no Fee and Expense Application will be forthcoming and retention of limited jurisdiction by the Court over these matters is no longer necessary.

Dated: September 26, 2017

Respectfully Submitted,

KENDALL LAW GROUP, PLLC

/s/ Joe Kendall

Joe Kendall (jkendall@kendalllawgroup.com) Texas Bar No. 11260700 Jamie J. McKey (jmckey@kendalllawgroup.com) Texas Bar No. 24045262 3232 McKinney Avenue, Suite 700 Dallas, TX 75204

Telephone: (214) 744-3000 Facsimile: (214) 744-3015

LEVI & KORSINSKY, LLP

Donald J. Enright (denright@zlk.com) Elizabeth K. Tripodi (etripodi@zlk.com) 1101 30th Street, N.W., Suite 115 Washington, DC 20007 Telephone: (202) 524-4290

Attorneys for Plaintiff

-And-

Dated: September 26, 2017 NORTON ROSE FULBRIGHT

By: /s/ Peter A. Stokes

Peter A. Stokes (peter.stokes@nortonrosefulbright.com)

Texas Bar No. 24028017

98 San Jacinto Blvd., Suite 1100

Austin, Texas 78701

Telephone: (512) 474-5201 Facsimile: (512) 536-4598

WACHTELL, LIPTON, ROSEN & KATZ

Peter C. Hein (pchein@wlrk.com)
Benjamin D. Klein (bdklein@wlrk.com)
Drew C. Harris (dcharris@wlrk.com)
51 West 52nd Street
New York, New York 10019

Telephone: (212) 403-1000 Facsimile: (212) 403-2000

Attorneys for Whole Foods Market, Inc. and the Individual Defendants

CERTIFICATE OF SERVICE

I certify a copy of this document was forwarded to counsel of record through the Court's CM/ECF system on September 26, 2017.

/s/ Joe Kendall

Joe Kendall