

IN THE UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

\_\_\_\_\_)  
In the Matter of )  
 )  
ARCH COAL, INC., )  
 )  
a corporation, )  
 ) Docket No. 9316

\_\_\_\_\_)  
a limited liability company, )  
 )  
and )  
 )  
\_\_\_\_\_)

at least 13 months from commencement to final Commission decision. 16 C.F.R. § 3.11A(c)(3)  
Respondents advised this Court that, in the event a preliminary injunction issues in the pending federal court action, the transactions cannot survive so long a review process. Indeed, in such circumstances, no transaction can endure the wait the FTC has built into its review procedures for mergers and acquisitions -- which readily explains why, when the FTC prevails in a Section 179(b) judicial action, the follow on administrative review has never gone forward

Respectfully submitted,



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Holdings, LLC, and Triton Coal Company, LLC


Dated: May 24, 2004

**CERTIFICATE OF SERVICE**

I HEREBY certify that copies of the foregoing Opposition Of Respondents To Complaint

George's Motion To Stay The Proceedings Or In The Alternative To Stay Discovery was served

on the following parties on this 24th day of May, 2004.

  
Wm. Bradford Reynolds

Hon. D. Michael Chappell  
Administrative Law Judge

(by hand)