

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Joseph J. Simons, Chairman**
 Noah Joshua Phillips
 Rohit Chopra
 Rebecca Kelly Slaughter
 Christine S. Wilson

In the Matter of

**Peabody Energy Corporation,
a public company;**

and

**Arch Coal, Inc.,
a public company.**

Docket No. 9391

JOINT MOTION TO DISMISS COMPLAINT

Complaint Counsel and Respondents Peabody Energy Corporation (“Peabody”) and Arch Coal, Inc. (“Arch”) jointly move to dismiss the complaint in the above-captioned matter. On October 14, 2020, Respondents informed Complaint Counsel that they have terminated their proposed acquisition. As set forth in Exhibit A, Peabody has withdrawn its Hart-Scott-Rodino Notification and Report Forms filed for this proposed acquisition, and has no intent to refile. The Complaint is now moot.

Accordingly, the parties respectfully request that the Commission dismiss the Complaint. A proposed order is attached.

Dated: October 15, 2020

s/ Daniel Matheson

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Federal Trade Commission
Bureau of Competition
400 Seventh Street SW
Washington, DC 20024
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Counsel Supporting the Complaint

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s/ Gorav Jindal

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s/ Stephen Weissman

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Counsel for Respondent Arch Coal, Inc.

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[PROPOSED] ORDER DISMISSING COMPLAINT

This matter comes before the Commission on Complaint Counsel’s and Respondents’
Joint Motion to Dismiss Complaint. Having considered the motion, it is hereby

ORDERED, that the Joint Motion to Dismiss Complaint dated October 14, 2020, is
GRANTED and the Complaint is dismissed without prejudice.

By the Commission.

ISSUED: _____

April J. Tabor
Acting Secretary

Exhibit A

Akin Gump

STRAUSS HAUER & FELD LLP

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October 13, 2020

Office of Operations
Premerger Notification Unit, Antitrust Division
Department of Justice
950 Pennsylvania Avenue, NW
Room 3335
Washington, DC 20530

Premerger Notification Office
Federal Trade Commission
400 7th Street, SW
Room 5301
Washington, DC 20024

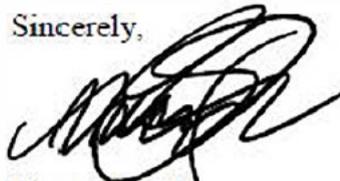
Re: Withdrawal of Hart-Scott-Rodino Notification and Report Form for Peabody Energy Corp. (FTC Transaction Identification No. 2019-1628)

Dear Sir or Madam:

Pursuant to 16 C.F.R. § 803.12(a), effective Tuesday, October 13, 2018, we are voluntarily withdrawing the Premerger Notification and Report Form filed on behalf of Peabody Energy Corp. ("Peabody") in connection with the proposed joint venture with Arch Resources, Inc., which the Federal Trade Commission has given the transaction number identified in the subject line. Peabody has no intent to refile this transaction.

Please contact me with any questions.

Sincerely,



Gorav Jindal

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2020, I filed the foregoing document electronically using the FTC's E-Filing system, which will send notification of such filing to:

April J. Tabor
Acting Secretary
Federal Trade Commission
600 Pennsylvania Avenue NW, Rm. H-113
Washington, DC 20580
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue NW, Rm. H-110
Washington, DC 20580

I also certify that I delivered via electronic mail a copy of the foregoing document to:

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Counsel for Respondent Arch Coal, Inc.

Dated: October 15, 2020

By: s/ Daniel Matheson
Daniel Matheson

Counsel Supporting the Complaint

CERTIFICATE FOR ELECTRONIC FILING

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

Dated: October 15, 2020

By: s/ Daniel Matheson
Daniel Matheson

Counsel Supporting the Complaint