

# Exhibit B

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

**FEDERAL TRADE COMMISSION,**

Plaintiff,

v.

**PEABODY ENERGY CORPORATION,**

and

**ARCH COAL, INC.,**

Defendants.

Civil Action No. 4:20-cv-00317

**DECLARATION OF KENNETH COCHRAN**

1. My name is Kenneth Cochran. I am over 21 years of age, and I am competent to make this declaration. The statements herein are true and are within my personal knowledge unless stated otherwise.

2. I make this declaration to demonstrate why I should be permitted to receive and review all Confidential Material described in the Protective Order. It is essential that I be provided access to this information in order to use my knowledge of the company to assist outside counsel in formulating a defense in this action.

3. I am the former Senior Vice President – Operations of Arch Coal, Inc. (“Arch”). My responsibilities were limited to directing and overseeing the company’s mining operations, procurement, safety initiatives, and development projects.

4. On December 31, 2018, I stepped down from my role as Senior Vice President – Operations and entered partial retirement. I now live in Jonestown, Texas and work on a part-time basis as a Senior Advisor for Arch. As Senior Advisor, I was a member of the clean team

that was responsible for evaluating the expected synergies from the proposed joint venture. I do not have any responsibility for competitive decision-making.

5. I do not participate in any decisions about formulating or implementing strategies to compete with our competitors or any decisions about formulating or implementing pricing strategies. I am not involved in pricing decisions, marketing, product design, or other competition-related issues that are the subject of Confidential Material in this case.

6. In order to respond to the Commission's allegations in this case, Arch must collect and analyze information from all levels of the company concerning its operations, its pricing strategies, its product strategies, its responses to competitors, the entities it considers its competitors and why, and the witnesses, data, and documents it has available. Although I do not participate in decisions concerning competition, I am among the employees at Arch who are most familiar with the company, and I know where that information can be found. Further, if I am informed about the factual assertions made by the Commission, I can use my detailed knowledge of the company and my experience in the industry to help our outside counsel develop a response and collect the information needed for that response. Although our outside counsel knows a great deal about Arch, they do not have the in-depth knowledge that I do of the company and the industry, and my knowledge and assistance will be essential to help outside counsel defend this case. Unless I am able to review all Confidential Material in this matter, Arch will be severely limited in its ability to defend itself fully in this action.

7. With the understanding that I would not use its confidential information for any improper purpose, Peabody has consented to my having access to such information pursuant to the terms of the Protective Order.

8. I acknowledge and agree that I am subject to the jurisdiction of this Court and to

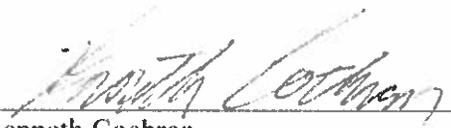
its contempt powers. I agree to remain subject to the Court's jurisdiction at all times, including after this litigation is concluded.

9. I further represent that I will not make use of any Confidential Material, directly or indirectly, for any purpose other than the defense of this action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 3, 2020

By:

  
Kenneth Cochran