

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
FEDERAL TRADE COMMISSION,)	
)	
	Plaintiff,)	
	v.)	1:04CV00534 (JDB)
)	
ARCH COAL, INC., <i>et al.</i> ,)	
)	
	Defendants.)	
_____)	

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Plaintiff, the Federal Trade Commission ("FTC" or "Commission"), by its designated attorneys, moves the Court, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), for a preliminary injunction enjoining any acquisition, directly or indirectly, of stock or assets of, or other interest in, defendant Triton Coal Company, LLC ("Triton") by defendant Arch Coal, Inc. from defendant New Vulcan Coal Holding, LLC, including Triton's domestic and foreign agents, divisions, subsidiaries, affiliates, partnerships, and joint ventures, pending the resolution of an administrative complaint by the Commission challenging such acquisition and until such complaint is dismissed by the Commission or set aside by a court on review, or until the order of the Commission to cease and desist therein has become final.

A preliminary injunction is needed on the ground that there is reason to believe that, if defendants are permitted to consummate such acquisition, defendants will violate Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, and Section 7 of the Clayton Act, 15 U.S.C. § 18, by engaging in unfair methods of competition and otherwise substantially lessening

competition in the relevant markets as alleged in the complaint. The Commission further asserts that a preliminary injunction is in the public interest because such relief will both preserve competition by maintaining the status quo and enable the Commission to order effective relief after an administrative adjudication of the merits of the complaint.

This motion is supported by the memorandum of points and authorities and exhibits filed with this motion.

The Commission respectfully requests the opportunity to present oral argument in support of this motion.

April 8, 2004

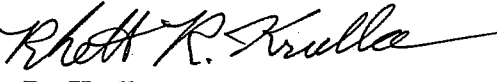
Respectfully submitted,

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
FEDERAL TRADE COMMISSION,)	
)	
Plaintiff,)	
)	1:04CV534 (JDB)
v.)	
)	
ARCH COAL, INC., <i>et al.</i>)	
)	
Defendants.)	
_____)	

**NOTICE OF FILING UNDER SEAL OF PLAINTIFF FEDERAL TRADE
COMMISSION'S MEMORANDUM OF POINTS AND AUTHORITIES
AUTHORITIES IN SUPPORT OF MOTION FOR PRELIMINARY
INJUNCTION AND EXHIBITS THERETO**

In accordance with LCvR 5.4(e)(1)-(2), notice is hereby given that, on April 8, 2004, plaintiff in the above-captioned case filed under seal its memorandum of points and authorities in support of its motion for a preliminary injunction, together with the underlying exhibits in support of the motion.

Respectfully submitted,

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Dated: April 8, 2004