

# Exhibit C

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 SCOTT T. JARBOE**

1. My name is Scott T. Jarboe. 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 currently Senior Vice President – Litigation, Disputes, Labor & Employment of Peabody Energy Corporation. (“Peabody”). I am an attorney licensed to practice law in the state of Missouri. My role at Peabody is to supervise all pending and threatened litigation and other legal matters as in-house counsel. I am not involved in any competitive decision-making at Peabody.

4. 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.

5. In order to respond to the Commission's allegations in this case, Peabody 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 Peabody 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 Peabody, 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, Peabody will be severely limited in its ability to defend itself fully in this action.

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

7. 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.

8. 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 2, 2020

By:   
Scott T. Jarboe