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April 2, 2020

VIA ECF

Hon. Sarah E. Pitlyk
United States District Court
Eastern District of Missouri
111 South 10th Street
St. Louis, MO 60606

William C. Lavery
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Re: *FTC v. Peabody Energy Co., et al., CA No. 4:20-cv-00317*

Dear Judge Pitlyk:

Baker Botts represents Defendant Arch Coal, Inc. (“Arch”) in this matter. We write to advise the Court that in light of the additional conditions imposed on individuals, pursuant to the Court’s Order dated April 1, 2020 (Dkt. No. 102), Arch is withdrawing its request to modify the Protective Order to have Ms. Rosemary Klein granted access to Confidential Information. While Ms. Klein has every intention to abide by the obligations of the Protective Order, as well as her ethical duties as a long-standing member of the bars of both Missouri and Illinois, the added potential monetary and other penalties, including potential disbarment from Ms. Klein’s sole profession, are not conditions Ms. Klein is willing to agree to in light of her personal situation, however small the risk of any potential violation. Ms. Klein will continue to assist Arch’s outside counsel in this litigation without viewing any material designated as Confidential.

This change does not affect Defendant Peabody Energy Company’s (“Peabody”) request to have Carol Li granted access to Confidential Information under the Protective Order. Defendants have therefore modified the Protective Order accordingly, along with the Court’s other required modifications (Dkt. No. 102), as attached hereto as Exhibit A.

Should Your Honor have any questions regarding this above, please let us know.

BAKER BOTTS LLP

Hon. Sarah E. Pitlyk

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April 2, 2020

Sincerely,

/s/ William C. Lavery

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cc: Counsel of Record (Via ECF)