

# NOTICE OF APPEARANCE



CASE NAME In the Matter of Arch Coal, Inc.	FILE/DOCKET NUMBER Docket No. 9316
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• Pursuant to Section 4.1 of the Commission's Rule of Practice, enter in the above proceeding the appearance of

counsel or representative for the respondent (Complete items 1, 2, 4, and 5 below)

counsel supporting the complaint (Complete items 1, 3, 4, and 5 below)

1. COUNSEL OR REPRESENTATIVE	2. RESPONDENTS
<p>Include name, address and telephone of each</p> <p>Richard G. Parker Michael E. Antalics O'MELVENY &amp; MYERS LLP 1625 Eye Street, N.W. Washington, D.C. 20006-4001 (202) 383-5300 (202) 383-5414 (fax)</p> <p>Charles E. Bachman O'MELVENY &amp; MYERS LLP Times Square Tower 7 Times Square New York, N.Y. 10036 (212) 326-2000 (212) 326-2061 (fax)</p>	<p>Include address and telephone numbers of all persons, partnerships, corporations, or associations</p> <p>NEW VULCAN COAL HOLDINGS, LLC 141 Market Place Drive, Suite 100 Fairview Heights, IL 62208 (618) 394-2624</p> <p>TRITON COAL COMPANY, LLC 113 South Gillette Avenue Suite 203 Gillette, WY 82716 (307) 687-2062</p>

3. ASSOCIATE/ASSISTANT DIRECTOR	
4. SIGNATURE OF SENIOR COUNSEL 	5. DATE SIGNED April 28, 2004

Return this form to: H-159  
Federal Trade Commission  
600 Pennsylvania Ave. NW  
Washington, D.C. 20580

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

\_\_\_\_\_)  
In the Matter of )  
)  
ARCH COAL, INC., )  
a corporation, )  
) Docket No. 9316  
NEW VULCAN COAL HOLDINGS, LLC, )  
a limited liability company, )  
)  
and )  
)  
TRITON COAL COMPANY, LLC, )  
a limited liability company. )  
\_\_\_\_\_)

**DECLARATION OF RICHARD G. PARKER**

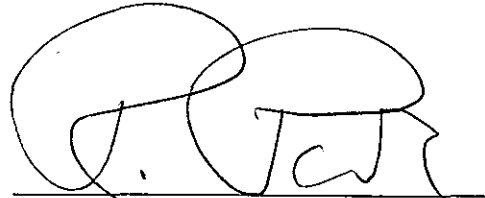
I, Richard, G. Parker, declare as follows:

1. I am an attorney with the law firm of O'Melveny & Myers LLP, counsel for Defendants New Vulcan Coal Holdings, LLC and Triton Coal Company, LLC. I make this declaration pursuant to Rule 4.1(d) of the Federal Trade Commission's Rules of Practice.

2. I am a member of the Bars of the State of California (#062356) and the District of Columbia (#327544) and am admitted to practice before the United States District Court for the District of Columbia. I further attest that I am in good standing within the legal profession.

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

Executed: April 28, 2004

  
Richard G. Parker

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

\_\_\_\_\_)  
In the Matter of )  
)  
ARCH COAL, INC., )  
a corporation, )  
) Docket No. 9316  
NEW VULCAN COAL HOLDINGS, LLC, )  
a limited liability company, )  
)  
and )  
)  
TRITON COAL COMPANY, LLC, )  
a limited liability company. )  
\_\_\_\_\_)

**DECLARATION OF MICHAEL E. ANTALICS**


I, Michael E. Antalics, declare as follows:

1. I am an attorney with the law firm of O'Melveny & Myers LLP, counsel for Defendants New Vulcan Coal Holdings, LLC and Triton Coal Company, LLC. I make this declaration pursuant to Rule 4.1(d) of the Federal Trade Commission's Rules of Practice.

2. I am a member of the Bar of the District of Columbia (#475218) and am admitted to practice before the United States Supreme Court and the United States District Court for the District of Columbia. I further attest that I am in good standing within the legal profession.

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

Executed: April 28, 2004

  
\_\_\_\_\_  
Michael E. Antalics

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

\_\_\_\_\_)  
In the Matter of )  
 )  
ARCH COAL, INC., )  
a corporation, )  
 ) Docket No. 9316  
NEW VULCAN COAL HOLDINGS, LLC, )  
a limited liability company, )  
 )  
and )  
 )  
TRITON COAL COMPANY, LLC, )  
a limited liability company. )  
\_\_\_\_\_)

**DECLARATION OF CHARLES E. BACHMAN**

I, Charles E. Bachman, declare as follows:

1. I am an attorney with the law firm of O'Melveny & Myers LLP, counsel for Defendants New Vulcan Coal Holdings, LLC and Triton Coal Company, LLC. I make this declaration pursuant to Rule 4.1(d) of the Federal Trade Commission's Rules of Practice.

2. I am a member of the Bar of the State of New York (#CB0855) and am admitted to practice before the United States Supreme Court, United States Court of Appeals for the Second, Third, Fourth, Ninth and Eleventh Circuits, as well as several United States District Courts. I further attest that I am in good standing within the legal profession.

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

Executed: April 28, 2004

  
Charles E. Bachman

## CERTIFICATE OF SERVICE


I HEREBY certify that copies of the foregoing Notice of Appearance of Defendants New Vulcan Coal Holdings, LLC and Triton Coal Company, LLC were served on the following persons this 28<sup>th</sup> day of April, 2004:

Hon. D. Michael Chappell (by hand)  
Administrative Law Judge  
Federal Trade Commission  
Room H-104  
600 Pennsylvania Ave., N.W.  
Washington, D.C. 20580

Complaint Counsel  
Melvin Orlans (by hand and email)  
Federal Trade Commission  
600 Pennsylvania Ave., N.W.  
Washington, D.C. 20580

Michael H. Knight (by hand and email)  
Federal Trade Commission  
601 New Jersey Ave., N.W.  
Washington, D.C. 20580

Counsel for Defendant Arch Coal, Inc.  
Wm. Bradford Reynolds (by email)  
Howrey Simon Arnold & White, LLP  
1299 Pennsylvania Ave., N.W.  
Washington, D.C. 20006

  
Darren S. Tucker