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SOL (MSHA) V. B R D COAL  
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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)  
Office of Administrative Law Judges

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA),  
PETITIONER

CIVIL PENALTY PROCEEDING

Docket No. VA 91-482  
A.C. No. 44-06030-03546D

v.

Mine No. 2

B R D COAL COMPANY, INC.,  
RESPONDENT

ORDER STAYING PROCEEDINGS

On September 27, 1991, Counsel for Respondent filed a motion to stay further proceedings in these cases. As grounds for the motion Respondent states that it has entered into an agreement to plead guilty to a charge of conspiracy to defraud the Mine Safety and Health Administration in connection with Respondent's dust sampling program. As part of the plea bargain agreement, the Secretary of Labor has agreed to move to dismiss any pending civil penalty proceedings for violations of the laws governing the dust sampling program.

The motion states that Counsel for the Secretary consents to the entry of an order staying these proceedings.

Premises considered, the motion is GRANTED. The above proceedings are STAYED until all criminal proceedings concerning Respondent have been concluded.

James A. Broderick  
Administrative Law Judge