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

EDD POTTER COAL COMPANY,  
CONTESTANT

CONTEST PROCEEDINGS

v.

Docket No. KENT 91-680-R  
through KENT 91-697

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

Mine No. 2

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

CIVIL PENALTY PROCEEDING

Docket No. KENT 91-1136  
A.C. No. 15-05436-03531D

v.

Mine No. 2

EDD POTTER COAL COMPANY,  
RESPONDENT

ORDER STAYING PROCEEDINGS

On September 27, 1991, Counsel for Contestant/Respondent filed a motion to stay further proceedings in these cases. As grounds for the motion Contestant/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 Contestant/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 Contestant/Respondent have been concluded.

James A. Broderick  
Administrative Law Judge