

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF ADMINISTRATIVE LAW JUDGES  
601 New Jersey Avenue, N.W., Suite 9500  
Washington, D.C. 20001

October 11, 2006

STIRRAT COAL COMPANY,	:	CONTEST PROCEEDING
Contestant	:	
	:	Docket No. WEVA 2006-737-R
	:	Citation No. 7248007; 05/18/2006
v.	:	
	:	
SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION, (MSHA),	:	Preparation Plant
Respondent	:	Mine ID: 46-02515

**STAY ORDER**

The Secretary has filed a motion to stay the above contest matter pending the docketing and assignment of the related civil penalty case. The respondent does not oppose the Secretary's motion. Accordingly, this proceeding **IS STAYED**.<sup>1</sup> Discovery is not authorized during the pendency of the stay. **IT IS ORDERED** that the parties initiate a conference call with the undersigned within 21 days of the docketing and assignment of the pertinent civil penalty case to lift this stay and to schedule these matters for a consolidated hearing.

Jerold Feldman  
Administrative Law Judge  
(202) 434-9967

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<sup>1</sup> On September 27, 2006, contestant's counsel was advised that a contest prior to the Secretary's civil penalty proposal that lacked a request for an early hearing was defective. *Marfork Coal Company, Inc., Order of Dismissal*, 28 FMSHRC \_\_\_\_ (Sept. 2006). Contests filed after September 27, 2006, that do not reflect a request for an early hearing will be dismissed.

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