

Interlocutory Orders, Etc.

IN THE MATTER OF

**PEABODY ENERGY CORPORATION,
AND
ARCH COAL, INC.**

Docket No. 9391. Order, April 13, 2020

Order extending the stay of the administrative proceeding and rescheduling the evidentiary hearing date.

SECOND ORDER REGARDING SCHEDULING IN LIGHT OF PUBLIC HEALTH EMERGENCY

By order dated March 19, 2020, the Commission has already stayed this proceeding and deferred the commencement of the evidentiary hearing by 30 days. Because of the declared public health emergency¹ associated with the outbreak of the coronavirus disease 2019 (“COVID-19”), also known as SARS-CoV-2; and because it has been advised that gatherings of ten or more persons may facilitate the spread of the disease, the Commission has determined that it is in the public interest to mitigate the transmission and impact of COVID-19, and that good cause exists to stay this proceeding for an additional 45 days and to again reschedule the evidentiary hearing. Accordingly,

IT IS HEREBY ORDERED that this proceeding be fully stayed, except for matters of settlement, for an additional 45 calendar days; and

IT IS FURTHER ORDERED that the evidentiary hearing date and all pre-hearing deadlines in this proceeding be further extended by the number of calendar days of this additional stay. The Administrative Law Judge retains discretion to adjust any such pre-hearing deadlines to the extent compatible with the hearing date as extended by this Order or to make a recommendation to the Commission regarding an alternative hearing date.

By the Commission.

¹ Pursuant to the Public Health Services Act, 42 U.S.C. 247d, on January 31, 2020, the Secretary of the Department of Health and Human Services issued a declaration that a health emergency exists because of COVID-19; and on March 13, 2020, the President of the United States issued a proclamation that a national emergency exists concerning COVID-19. Remarks by President Trump, available at <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-conference-3/> (Mar. 13, 2020).

Interlocutory Orders, Etc.

IN THE MATTER OF

THOMAS JEFFERSON UNIVERSITY,
AND
ALBERT EINSTEIN HEALTHCARE NETWORK

Docket No. 9392. Order, April 13, 2020

Order extending the stay of the administrative proceeding and rescheduling the evidentiary hearing date.

SECOND ORDER REGARDING SCHEDULING IN LIGHT OF PUBLIC HEALTH EMERGENCY

On April 7, 2020, Complaint Counsel and Respondents Thomas Jefferson University and Albert Einstein Healthcare Network submitted a joint motion requesting that the Commission stay this proceeding by an additional 45 days. The parties state that the ongoing public health emergency has rendered timely discovery and hearing preparation untenable. By order dated March 19, 2020, the Commission has already stayed this proceeding and deferred the commencement of the evidentiary hearing by 30 days.

Because of the declared public health emergency¹ associated with the outbreak of the coronavirus disease 2019 (“COVID-19”), also known as SARS-CoV-2, and because it has been advised that gatherings of ten or more persons may facilitate the spread of the disease, the Commission has determined that it is in the public interest to mitigate the transmission and impact of COVID-19, and that good cause exists to stay this proceeding for an additional 45 days and to again reschedule the evidentiary hearing. Accordingly, the Joint Motion to Stay the Administrative Proceeding for an Additional 45 Days is **GRANTED**; and

IT IS HEREBY ORDERED that this proceeding be fully stayed, except for matters of settlement, for an additional 45 calendar days; and

IT IS FURTHER ORDERED that the evidentiary hearing date and all pre-hearing deadlines in this proceeding be further extended by the number of calendar days of this additional stay. The Administrative Law Judge retains discretion to adjust any such pre-hearing deadlines to the extent compatible with the hearing date as extended by this Order or to make a recommendation to the Commission regarding an alternative hearing date.

By the Commission, Chairman Simons recused.

¹ Pursuant to the Public Health Services Act, 42 U.S.C. 247d, on January 31, 2020, the Secretary of the Department of Health and Human Services issued a declaration that a health emergency exists because of COVID-19; and on March 13, 2020, the President of the United States issued a proclamation that a national emergency exists concerning COVID-19. Remarks by President Trump, available at <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-conference-3/> (Mar. 13, 2020).