



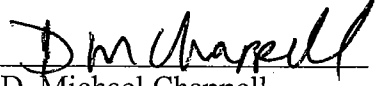
Complaint Counsel, through its motion to stay this proceeding, or in the alternative to stay discovery, now seeks to stay this administrative proceeding for approximately eight weeks at which time, it asserts, the hearing on the complaint for preliminary injunctive relief will have concluded. Complaint Counsel argues that the parties will be in a better position to determine an appropriate pretrial schedule at the conclusion of the federal court hearing. Complaint Counsel further argues that the discovery needs of the parties in this proceeding cannot be fully determined until the conclusion of the federal court hearing.

Respondents oppose Complaint Counsel's requests. Respondents assert that Complaint Counsel should not be allowed to proceed on a relaxed schedule and that the public interest is best served by a process that moves swiftly.

### III.

In a case challenging a proposed merger, such as the instant case, a joint motion to stay the proceeding would be favorably considered. However, Complaint Counsel has failed to demonstrate that this proceeding or discovery should be stayed based solely upon the request of the same party that initiated the complaint. Accordingly, Complaint Counsel's motion to stay this proceeding or, in the alternative, to stay discovery is DENIED.

ORDERED:

  
D. Michael Chappell  
Administrative Law Judge

June 2, 2004