

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

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| FEDERAL ENERGY REGULATORY COMMISSION, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 3:15-cv-00452 (MHL) |
| v. |) | |
| |) | |
| POWHATAN ENERGY FUND, LLC, HOULIAN “ALAN” CHEN, HEEP FUND, INC., and CU FUND, INC. |) | |
| |) | |
| Defendants. |) | |
| |) | |

CONSENT MOTION TO MODIFY DISCOVERY DEADLINE

Defendants Houlian “Alan” Chen (“Dr. Chen”), HEEP Fund, Inc., and CU Fund, Inc. (collectively, “Defendants”) move to modify the schedule for the parties in this action to exchange written responses to discovery requests, as established in the Court’s March 23, 2021 order (ECF No. 171), by fourteen days from March 31, 2021 to April 14, 2021.

As discussed during the March 23, 2021 status conference, Dr. Chen was in a car accident on March 21, 2021. Unfortunately, Dr. Chen’s recovery has taken longer than anticipated and he needs an additional medical procedure on March 30, 2021. As such, Dr. Chen remains unable to finalize Defendants’ written responses to Plaintiff’s discovery requests. HEEP Fund, Inc. and CU Fund, Inc. have no other employees who can provide the information, analysis, or review necessary to finalize written responses to Plaintiff’s discovery requests. Defendants will, however, be able to produce responsive documents to Plaintiff by the March 31, 2021 deadline.

Accordingly, the parties propose to exchange the documents of which they are currently aware that are responsive to Requests for Production by the current deadline of March 31, 2021.

In order to accommodate Dr. Chen's medical difficulties, however, the parties propose to exchange written responses to Requests for Production, Requests for Admission, and Interrogatories by April 14, 2021. Plaintiff Federal Energy Regulatory Commission and co-defendant Powhatan Energy Fund, LLC consent to the requested relief.

If Dr. Chen's recovery allows Defendants to provide written responses to Plaintiff's discovery requests sooner than April 14, 2021, the parties commit to work together to exchange written responses to discovery requests in advance of that date. To the extent additional time is required beyond April 23, 2021 to resolve any discovery disputes, the parties propose that such disputes be resolved concurrently with the start of the period for depositions in order to preserve the schedule set forth in the Court's December 21, 2020 Initial Pretrial Order (ECF No. 160).

Respectfully Submitted,

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Dated: March 29, 2021

/s/ Robert W. Warnement

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Counsel for Powhatan Energy Fund, LLC

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2021, I filed the foregoing motion with the Clerk's Office, using the CM/ECF system, which will send a notification of such filing to counsel of record in this matter.

/s/ Robert W. Warnement
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