

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

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.	)	
	)	

**NOTICE OF OBJECTION REGARDING  
PLAINTIFF'S RESPONSE TO DEFENDANTS' REQUESTS FOR PRODUCTION**

In accordance with Paragraph 21 of the Court's December 21, 2020 Initial Pretrial Order (ECF No. 160), Defendants Powhatan Energy Fund, LLC, Houlian "Alan" Chen, HEEP Fund, Inc., and CU Fund, Inc. (collectively, "Defendants") hereby file this Notice of Objection regarding the response of Plaintiff Federal Energy Regulatory Commission ("FERC") to certain of Defendants' December 7, 2020 Requests for Production.

In the course of several meet and confer sessions and email exchanges, the parties negotiated certain limitations to the scope of their reviews of documents in connection with this case. However, FERC's April 14, 2021 written responses to Defendants' Requests for Production indicated that FERC may have imposed additional limitations on its review of documents beyond those to which Defendants had agreed. While Defendants have raised their concerns with FERC, the parties have not yet been able to resolve this issue. Accordingly, it appears that FERC may be standing on its objections with respect to all or part of several of Defendants' Requests for

Production. The objections on which it appears FERC may be standing relate to burdensomeness, relevance, and proportionality. Defendants think that their Requests for Production are reasonably tailored and seek information relevant to the parties' claims or defenses and proportional to the needs of the case, in accordance with Federal Rule of Civil Procedure 26(b)(1).<sup>1</sup>

The parties discussed FERC's objections during earlier meet and confer sessions and have communicated regarding Defendants' concerns about the scope of FERC's review and productions. However, because FERC's written responses to Defendants' Requests for Production were provided on April 14, 2021, the parties have had limited opportunities to address the issues raised by those responses. Defendants hereby file this Notice of Objection to preserve their rights should the parties be unable to resolve this dispute between themselves.

Defendants hereby certify that they have made a good faith effort to resolve this discovery dispute with FERC and will continue to do so.

Respectfully Submitted,

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*Counsel for Houlian Chen, HEEP Fund, Inc.,  
and CU Fund, Inc.*

Dated: April 16, 2021

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<sup>1</sup> During earlier negotiations, FERC did make clear that it intended to stand on its objection to Defendants' Request for Production No. 56. FERC objected to this Request for Production based on relevance and proportionality. Defendants have explained to FERC why they think this Request for Production is relevant to the parties' claims or defenses and proportional to the needs of the case, in accordance with Federal Rule of Civil Procedure 26(b)(1). Because the parties have been unable to resolve their dispute regarding this Request for Production, Defendants include this issue within the scope of this Notice of Objection.

**CERTIFICATE OF SERVICE**

I hereby certify that on April 16, 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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