

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**FEDERAL ENERGY REGULATORY
COMMISSION,**

Petitioner,

v.

Civil Action No. 3:15cv452

**POWHATAN ENERGY FUND, LLC
HOULIAN "ALAN" CHEN,
HEEP FUND, INC.**

**and
CU FUND, INC.,**

Respondents.

ORDER SETTING PRETRIAL CONFERENCE

Pursuant to Fed. R. Civ. P. 16(a) and 16(b) and Local Rule 16(B), a pretrial conference is scheduled in this action for Thursday, January 7, 2016 at 2:00 p.m. Please report to the Courtroom of Judge Lauck, Sixth Floor, Spottswood W. Robinson, III and Robert R. Merhige, Jr. United States Courthouse, 701 East Broad Street, Richmond, Virginia.

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26(A)(1), counsel: (1) shall confer not later than ten (10) days before the pretrial conference for the purposes required by Fed. R. Civ. P. 26(f); and, (2) shall report orally at the pretrial conference on the discovery plan required by Rule 26(f). Not later than close of business seven (7) days before the pretrial conference, all parties shall file with the Court a memorandum detailing the respective party's position

regarding the procedure mandated by 16 U.S.C. § 823b(d)(3)(B).¹ To the extent the parties' filings disagree as to the applicable procedure, they are ORDERED to have met and conferred prior to the January 7, 2016 initial pretrial conference. Counsel shall come prepared with a joint statement as to disagreements that continue to exist as of the January 7, 2016 date, if any.

At the conference, the case will be set for trial. Unless approved by the Court before the pretrial conference, counsel who will actually try the case or counsel with full decision-making authority shall attend the pretrial conference. Counsel attending shall be prepared to provide available dates for trial and motions for all counsel of record. In any event, counsel shall be knowledgeable of the facts and legal issues in the action and shall be prepared to set a firm trial date. Absent extraordinary circumstances, pretrial conferences will not be conducted via telephone.

A settlement conference referral will be made at the time of the initial pretrial conference. Counsel for each party, and a representative of each party with authority to conclude a settlement of this action, shall meet in person with the assigned magistrate judge to discuss settlement. The representative for a business entity (corporation, partnership or otherwise) must be an officer or employee not employed in the business entity's law department or general counsel's office, although such lawyers are welcome to attend with the other representative. Each counsel shall


¹ 16 U.S.C. § 823b(d)(3)(B) states in full:

(B) If the civil penalty has not been paid within 60 calendar days after the assessment order has been made under subparagraph (A), the Commission shall institute an action in the appropriate district court of the United States for an order affirming the assessment of the civil penalty. The court shall have authority to review de novo the law and the facts involved, and shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in [p]art such assessment.

16 U.S.C. § 823b(d)(3)(B).

be prepared to present a cogent, brief summary of the issues of liability and damages. Counsel for each party shall be responsible to assure that the settlement conference is conducted as herein prescribed.

It is so ORDERED.



M. Hannah Lauck
United States District Judge

Richmond, Virginia
Date: 11/25/15

IF THIS CASE IS SETTLED PRIOR TO THE CONFERENCE, PLEASE CALL THE CLERK'S OFFICE AT 916-2234. THANK YOU.