

**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, et al.,**


**Respondents.**

**ORDER**

For the reasons stated in the accompanying Memorandum Opinion, the Court DENIES the Motion to Dismiss. (ECF No. 95.)

Although this Order would ordinarily not be appealable, the Court finds that this Order involves a controlling question of law as to which there is substantial ground for difference of opinion, and that an immediate appeal from this Order would materially advance the ultimate termination of the litigation. *See* 28 U.S.C. § 1292(b). The Court further STAYS these proceedings until seven days after the expiration of the time in which parties may take action in the United States Court of Appeals for the Fourth Circuit. The parties shall also inform the Court, in writing, of the procedural status of this action seven days after the Fourth Circuit deadline, if not before.

It is so ORDERED.

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/s/   
M. Hannah Lauck  
United States District Judge

Date: 9/24/2018  
Richmond, Virginia