

3. FERC and Houlian Chen, HEEP Fund, Inc. and CU Fund, Inc. reached a full settlement. FERC approved the settlement by Order dated October 29, 2021. FERC and Dr. Chen filed a stipulation seeking the dismissal of FERC's claims against Dr. Chen and his funds on November 3, 2021.

4. During this same period, Powhatan and FERC have pursued completion of outstanding discovery and resolution of outstanding discovery disputes. Of the previous discovery disputes, only one remains with regard to the 30(b)(6) deposition of FERC. Eckert Seamans has also worked diligently on preparing for and planning for the nine depositions Powhatan intends to take. FERC has a single remaining fact deposition noticed, and that deponent, Dr. Chen, is unavailable until December 3.

5. Under all the circumstances, including the recent entry of appearance of Eckert Seamans and its efforts to come up to speed on this complex case, the parties' earnest parallel tracking of working on settlement and resolving and preparing for discovery matters, the parties' commitment to a scheduled November 17th settlement conference with Magistrate Judge Colombell and a long-planned vacation for lead discovery counsel at Eckert Seamans from November 5th through 10th, the parties respectfully request that the Court modify the scheduling order consistent with the chart below. This modification will allow the parties to complete all necessary depositions, including third-party depositions, a deposition that cannot be completed sooner due to a surgical procedure and a deposition that cannot be completed until December 3, 2021.

6. After a November 2, 2021, meet and confer telephone call, it is Eckert Seamans' understanding that the FERC will be filing three motions to quash/motions for a protective order for a duly noticed (1) Fed. R. Civ. P. 30(b)(6) deposition; (2) the deposition of FERC's former

counsel in this case Thomas Olson; and (3) the deposition of FERC's former counsel in this case Steven Tabackman. Powhatan Energy Fund, L.L.C., will file oppositions to these motions.

Powhatan requests that should briefing or the Court's ruling extend beyond December 3, 2021,

Powhatan be allowed to take those three depositions out of time. FERC does not oppose that request.

Event	Current Deadline	Previously Proposed Deadline	Newly Proposed Deadline
Fact Discovery (Document Productions and Depositions)	Aug. 23, 2021	Oct. 18, 2021	December 3, 2021
Expert Reports	Sept. 7, 2021	Nov. 8, 2021	December 17, 2021
Rebuttal Expert Reports	Nov. 8, 2021	Jan. 7, 2022	January 28, 2022
Expert Depositions	Dec. 8, 2021	Feb. 8, 2022	February 25, 2022
Dispositive Motions	Feb. 8, 2022	Apr. 8, 2022	April 8, 2022
Responses to Dispositive Motions	Apr. 8, 2022	June 8, 2022	May 13, 2022
Replies to Dispositive Motions	May 9, 2022	July 8, 2022	June 10, 2022

WHEREFORE, Defendant Powhatan Energy Fund, LLC and Plaintiff Federal Energy

Regulatory Commission jointly respectfully request that the Court enter this amended scheduling order.

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Dated: November 3, 2021

CERTIFICATE OF SERVICE

I certify that on November 3, 2021, I electronically filed the foregoing document(s) and that they are available for viewing and downloading from the Court's CM/ECF system, and that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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