

**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.)	
)	

JOINT STATUS REPORT

Pursuant to the Court's Order of October 23, 2020 (Dkt. No. 157), Plaintiff Federal Energy Regulatory Commission (the "Commission") and Defendants Powhatan Energy Fund, LLC ("Powhatan"), Houlian "Alan" Chen ("Chen"), HEEP Fund, Inc. ("HEEP Fund"), and CU Fund, Inc. ("CU Fund") (collectively "Defendants") jointly provide this status report addressing the proposed discovery schedule.

As the Court directed in its October 23, 2020 order, the parties propounded discovery requests on December 7, 2020. Defendants propounded one consolidated set of requests on the Commission, and also served third-party subpoenas on PJM Interconnection, L.L.C. ("PJM"), and Monitoring Analytics, LLC ("Monitoring Analytics"). The Commission served two separate sets of requests, one on Powhatan and one on Chen, CU Fund, and HEEP Fund. The parties then met and conferred on December 14, 2020, regarding a proposed discovery schedule in light of the specific requests at issue.

In consideration of the court's directive, the parties now believe that, despite the complexity of the case and the unprecedented challenges COVID-19 continues to pose, it is feasible to accelerate discovery by seven months compared to the previous proposal. They suggest the following timeframe and note the material changes:

Item	Time to Complete	Suggested Deadline
Written Discovery	6 months from scheduling order <i>(previously 9 months)</i>	April 23, 2021
Depositions	3 months <i>(previously 6 months)</i>	July 23, 2021
Expert Reports	1.5 months	Sept. 7, 2021
Rebuttal Expert Reports	2 months	Nov. 8, 2021
Expert Depositions	1 month <i>(previously 2 months)</i>	Dec. 8, 2021
Dispositive Motions	2 months	Feb. 8, 2022
Responses to Disp. Mot.	2 months	Apr. 8, 2022
Replies to Disp. Mot.	1 month	May 9, 2022
Trial Length	2 weeks	To be set by Court

The parties understand that, although neither PJM nor Monitoring Analytics has yet responded to Defendants' subpoenas, they anticipate their responses will be compatible with the proposed timeframe. PJM has requested that the deadline for its objections and response to Defendants' subpoena be extended to January 11, 2021; the parties do not object to this request.

The parties will be prepared to answer any questions the Court may have in the hearing on Thursday, December 17, 2020.

