

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

FEDERAL ENERGY REGULATORY	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
v.	)	Civ. Action No. 3:15-cv-00452 (MHL)
	)	
POWHATAN ENERGY FUND, LLC, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO SEAL THE  
SUPPLEMENTAL SUBMISSIONS IN RELATION TO THE MOTION TO WITHDRAW**

Powhatan Energy Fund, LLC (“the Fund”) and Williams Mullen, in support of their Motion to Seal the Supplemental Submissions in Relation to the Motion for Leave to Withdraw (ECF No. 207), states the following:

Courts recognize that not all information filed should be subject to public disclosure. This is true in connection with information which contains confidential and proprietary business and financial information not generally available to the public. On August 30, 2021, the Court entered an Order (ECF No. 223) stating as follows:

In order to hear the matter fully, the Court ORDERS Powhatan to submit its full financials, attested to and under seal if necessary, no later than September 3, 2021. Williams Mullen SHALL submit any outstanding bills and estimates for future litigation, attested to and under seal if necessary, also no later than September 3, 2021.

ECF No. 223 at 2.

There are three requirements for sealing court filings: (1) notice of the motion to provide the public with an opportunity to object; (2) consideration of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and rejecting alternatives to sealing.

*Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288, (4<sup>th</sup> Cir. 2000); *see, e.g., Flexible Benefits Council v.*

*Feltman*, No. 1:08-cv-371, 2008 U.S. Dist. LEXIS 93039 (E.D. Va., November 13, 2008); *East West, LLC v. Rahman*, 2012 WL 3843657 (E.D. Va. Sept. 4, 2012) (sealing exhibits containing confidential commercial information and trade secrets); *Kettler Int'l, Inc. v. Starbucks Corp.* Civil Action No. 2:14-cv-189 (E.D. Va. Jan. 5, 2015). Sealing of the supplemental submissions of the Fund and of Williams Mullen and supporting exhibits is necessary and appropriate to protect the confidential and proprietary business and financial information contained therein. The Fund and Williams Mullen have made all reasonable efforts to limit this request to seal in compliance with the law of this Circuit. Due to the nature of subject matter, there is no adequate remedy, other than placing the referenced submissions under seal.

Respectfully Submitted,

/s/

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Patrick R. Hanes (Va. Bar No. 38148)  
Gregory A. Crapanzano II (Va. Bar No. 93044)  
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*Counsel for Powhatan Energy Fund, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 3, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record. I also emailed a copy to the representatives of the Fund.

By: /s/ Patrick R. Hanes  
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POWHATAN ENERGY FUND, LLC, et al.,	)	
	)	
Defendants.	)	

**SEALED SUPPLEMENTAL SUBMISSION  
ON BEHALF OF POWHATAN ENERGY FUND, LLC**

Pursuant to the Court’s Order entered on August 30, 2021 (ECF No. 223), the undersigned hereby submits the financial records attached hereto as Exhibit 1 provided to the undersigned by a representative of Defendant Powhatan Energy Fund, LLC (“the Fund”), on its own behalf.

Respectfully Submitted,

\_\_\_\_\_  
/s/  
Patrick R. Hanes (Va. Bar No. 38148)  
Gregory A. Crapanzano II (Va. Bar No. 93044)  
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*Counsel for Powhatan Energy Fund, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 3, 2021, I sent the foregoing by courier to chambers pursuant to the Court's Local Rules regarding the submission of sealed court filings. I also emailed a copy to the representatives of the Fund.

By: /s/ Patrick R. Hanes  
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**SEALED SUPPLEMENTAL SUBMISSION IN SUPPORT OF  
MOTION OF COUNSEL FOR LEAVE TO WITHDRAW**

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**[PROPOSED] ORDER SEALING DEFENDANT POWHATAN LLC’S  
AND WILLIAMS MULLEN’S SUPPLEMENTAL SUBMISSIONS  
IN RELATION TO THE MOTION TO WITHDRAW**

This matter is before the Court, pursuant to Local Rule 5 and the Court’s Order dated August 30, 2021 (ECF No. 223), on the motion by Defendant Powhatan Energy Fund, LLC and Williams Mullen for Leave to Seal their Supplemental Submissions in Relation to the Motion to Withdraw filed by Williams Mullen, given that these Supplemental Submissions contain confidential and proprietary business and financial information.

Upon consideration of the motion and the needs of the case, the Court **FINDS** that less drastic alternatives to sealing the Supplemental Submissions is not feasible.

Accordingly, the Court **ORDERS** that the Supplemental Submissions filed by Powhatan Energy Fund, LLC and Williams Mullen shall be maintained **UNDER SEAL** by the Clerk.

**SO ORDERED**, this the \_\_\_\_ day of \_\_\_\_\_, 2021.

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