UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

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) Case No.: 3:15-CV-00452-MHL
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PLAINTIFF'S OBJECTIONS REGARDING DEFENDANTS' 30(b)(6) DEPOSITION NOTICE

Pursuant to the procedures in Paragraph 21 of the Court's December 21, 2020 Initial Pretrial Order (ECF No. 160), Plaintiff Federal Energy Regulatory Commission ("Plaintiff," the "Commission," or "FERC") submits this notice of its objections to the notice of deposition of FERC pursuant to Federal Rule of Civil Procedure 30(b)(6) propounded by Defendants Powhatan Energy Fund, LLC, Houlian "Alan" Chen, HEEP Fund, Inc., and CU Fund, Inc. (collectively, "Defendants").

FERC objects on the following grounds: 1) as a general matter, a 30(b)(6) of a regulatory agency with law enforcement authority, such as FERC, regarding its enforcement investigation and litigation is not appropriate for several reasons; and 2) relatedly, the specific topics noticed by Defendants are improper subjects of 30(b)(6) testimony, as they seek information that is already provided and available to Defendants, irrelevant to the parties' claims or defenses, and subject to attorney work product protection, the attorney-client

privilege, and the deliberative process privilege. Accordingly, as permitted under the Court's Initial Pretrial Order and Rule 37(a) of the Federal Rules of Civil Procedure, FERC respectfully requests that, following the filing of a joint discovery chart on FERC's objections, the Court issue a protective order barring Defendants' noticed deposition. FERC will file the Court's discovery dispute chart on or before June 22, 2021.

The parties met and conferred the morning of June 8, 2021 but were unable to successfully resolve this dispute. FERC certifies that it will make a good faith effort to resolve the disputes listed above and that it will continue to work cooperatively with Defendants towards a possible resolution of these issues.

FEDERAL ENERGY REGULATORY COMMISSION

By its attorneys,

Dated: June 8, 2021

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Commission

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CERTIFICATE OF SERVICE

I certify that on June 8, 2021, I filed the foregoing notice using the CM/ECF system, which will send a notification of such filing to counsel of record in this matter.

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