

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

**FEDERAL ENERGY REGULATORY
COMMISSION,**

Plaintiff,

v.

Civil Action No. 3:15cv452

POWHATAN ENERGY FUND, LLC, et al.,

Defendants.

ORDER

This matter comes before the Court on its own initiative. On September 13, 2021, the Parties will appear before the Court for a status conference regarding counsels' Motion of Counsel for Leave to Withdraw as counsel for Defendant Powhatan Energy Fund, LLC ("Powhatan"), (the "Motion"). (ECF No. 207.) Counsel for Powhatan (the "Firm") seeks to withdraw from representation based on Powhatan's lack of adequate financial assurance. (*See* Mem. Supp. Mot. 3, ECF No. 208.) The Firm also represents that "substantial" and "irreconcilable" differences exist between the Firm and Powhatan regarding the manner of conducting the remaining stages of litigation. (*Id.*)

In response, the principals of Powhatan filed a Notice of Objection to the Motion of Counsel for Leave to Withdraw (the "Objection"). (ECF No. 213.) In the Objection, Powhatan argues that (1) allowing the Firm to withdraw would "pose a material adverse impact on Powhatan;" (2) it has approximately \$400,000 cash¹ left which could be used for legal expenses; and, (3) the Firm's gross revenue and profit show that the Firm would not face an "unreasonable

¹ Powhatan admits that its "current cash on hand [is] sufficient to cover the expected legal expenses required to complete this litigation." (Obj. 3.)

financial burden.” (Obj. 2–4, ECF No. 213.) Finally, Powhatan denies that differences exist between it and counsel. (*Id.* 5.)

Pursuant to the Virginia Code of Professional Responsibility, “a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client,” or if:

(5) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

(6) other good cause for withdrawal exists.

Va. Code of Pro. Conduct r. 1.16(b).

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 of future litigation, attested to and under seal if necessary, also no later than September 3, 2021.

The Court will hear argument with Counsel and clients present at 11:00AM on September 13, 2021.

It is SO ORDERED.

/s/

M. Hannah Lauck
/s/
United States District Judge
United States District Judge

Date: 08/30/2021
Richmond, Virginia