

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

FEDERAL ENERGY REGULATORY)	
COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:15cv452
)	
POWHATAN ENERGY FUND, LLC, et. al.,)	
)	
Defendants.)	

**POWHATAN ENERGY FUND, LLC’S MEMORANDUM
IN SUPPORT OF ITS MOTION FOR LEAVE TO SEAL
EXHIBITS IN SUPPORT OF SUPPLEMENTAL SUBMISSION**

Powhatan Energy Fund, LLC (“**Powhatan**”), by counsel, and in support of its Motion to Seal the exhibits in support of its Supplemental Submission (ECF No. 286), states the following:

Courts recognize that information which contains confidential and proprietary business and financial information not generally available to the public is not necessarily subject to public disclosure. On August 30, 2021, the Court entered an Order (ECF No. 223) providing for the filing of Powhatan’s financial information under seal.

The Fourth Circuit provides 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, (4th Cir. 2000); *see, e.g., Flexible Benefits Council v. Feltman*, No. 1:08CV371 (JCC), 2008 WL 4924711, at *1 (E.D. Va. Nov. 13, 2008) (sealing confidential financial data not normally available to the public);

East West, LLC v. Rahman, 2012 WL 3843657, *3 (E.D. Va. Sept. 4, 2012) (sealing exhibits containing confidential commercial information and trade secrets).

Sealing of the exhibits in support of Powhatan's Supplemental Submission is necessary and appropriate to protect the confidential and proprietary business and financial information (including legal expenses) contained therein. Powhatan has 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.

POWHATAN ENERGY FUND, LLC

/s/ Christopher Perkins

Christopher Perkins

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Dated: January 11, 2022

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2022, I filed the foregoing with the Clerk's Office, using the CM/ECF system, which will send a notification of such filing to counsel of record in this matter.

/s/ Christopher L. Perkins
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**[PROPOSED] ORDER SEALING POWHATAN LLC’S
EXHIBITS IN SUPPORT OF SUPPLEMENTAL SUBMISSION**

This matter is before the Court, pursuant to Local Rule 5 on the motion by Powhatan Energy Fund, LLC for Leave to Seal the exhibits in support of its Supplemental Submission, given that the Supplemental Submission contains confidential and proprietary business, financial, and legal expense information.

Upon consideration of the motion and the needs of the case, and considering that less drastic alternatives to sealing the Supplemental Submission are not feasible, the Court **ORDERS** that the narrative and exhibits in support of the Supplemental Submission shall be maintained **UNDER SEAL** by the Clerk.

SO ORDERED, this the _____ day of _____, 2022.
