

**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.)	
)	

**DEFENDANT POWHATAN ENERGY FUND LLC’S OBJECTIONS REGARDING
PLAINTIFFS’ DEPOSITION NOTICE FOR IN-PERSON DEPOSITIONS**

Pursuant to the procedures in Paragraph 21 of the Court’s December 21, 2020 Initial Pretrial Order (ECF No. 160), Defendant Powhatan Energy Fund, LLC (“Powhatan”) respectfully submits this notice of objection to the notices of deposition of Kevin Gates and Richard Gates for *in-person* depositions propounded by Plaintiff Federal Energy Regulatory Commission (“Plaintiff,” the “Commission,” or “FERC”).¹

Powhatan does not object to FERC taking these depositions, but instead objects only to FERC’s insistence that the depositions occur in person as opposed to remotely. The country is still facing an ongoing pandemic. Litigants around the country have, in an attempt to limit unnecessary interstate travel and to avoid large numbers of strangers gathered in a room for many hours at a time, leveraged improved technologies and protocols to conduct such depositions by

¹ The depositions are presently set for July 7, 2021 and July 14, 2021.

video as permitted under the Federal Rules.

Accordingly, as permitted under the Court's Initial Pretrial Order and Rules 37(a) and 30(b)(4) of the Federal Rules of Civil Procedure, Powhatan respectfully requests that, following the filing of a joint discovery chart on Powhatan's objections, the Court issue a protective order barring the noticed depositions from occurring in-person and instead ordering remote depositions by video. Powhatan will work with FERC to draft the discovery dispute chart and file it with the Court on June 28, 2021.

The parties met and conferred the morning of June 8, 2021 but were unable to successfully resolve this dispute. Powhatan certifies that it will continue to make good faith efforts to resolve this dispute and that it will continue to work cooperatively with FERC toward a possible resolution of this issue.

Respectfully Submitted,

/s/

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Counsel for Powhatan Energy Fund, LLC

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 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.

By: /s/ Patrick R. Hanes
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