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 Federal Energy Regulatory Commission's ("FERC") Unopposed Motion to Lift Stay. (ECF No. 316.) On February 22, 2022, this Court entered an Order staying this case. (ECF No. 303.) That Order followed Defendant Powhatan Energy Fund, LLC's ("Powhatan") filing of a Suggestion of Bankruptcy, reporting that it had filed for Chapter 7 bankruptcy in the United States Bankruptcy Court for the District of Delaware, Case No. 22-10142-MFW (the "Bankruptcy Proceeding"). (ECF No. 302.) Thereafter, David W. Carickhoff Jr (the "Trustee") was appointed as the Chapter 7 trustee of Powhatan's bankruptcy estate (the "Estate").
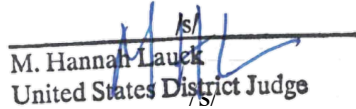
FERC contends that its "purpose in seeking to lift the stay is to allow it to seek a default judgment against Powhatan and bring the litigation to a formal close." (ECF No. 317, at 2.) It avers that it "will promptly request an entry of default from the clerk and file a motion seeking default judgment against Powhatan upon the Court granting th[e M]otion and lifting the stay." (ECF No. 317, at 2 n. 1.) FERC asserts that "the Trustee has indicated that . . . it does not intend to continue defending this litigation by opposing the present motion to lift the stay or challenging FERC's subsequent motion for entry of a default judgment." (ECF No. 317, at 2.) FERC also

"has agreed to make no attempt to enforce, execute, or otherwise collect upon any judgment this Court enters following the lifting of the stay outside of the pending Bankruptcy Proceeding." (ECF No. 317, at 2.)

Upon due consideration, and for good cause shown, the Court GRANTS the Motion. (ECF No. 316). The Court LIFTS the stay in this case.

It is SO ORDERED.

/s/

M. Hannah Lauck
United States District Judge

Date: 03/06/2023   M. Hannah Lauck
Richmond, Virginia   United States District Judge