

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

VIRGINIA ELECTRIC AND POWER
COMPANY, D/B/A DOMINION ENERGY
VIRGINIA; OSW PROJECT LLC,
Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR; BUREAU OF OCEAN
ENERGY MANAGEMENT; DOUGLAS
BURGUM, Secretary of the Interior, in his
official capacity; MATTHEW GIACONA,
Acting Director, Bureau of Ocean Energy
Management, in his official capacity,

Defendants.

Civil Action No. 2:25-cv-00830

PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiffs Dominion Energy Virginia and OSW Project LLC (collectively, "DEV") move this Court under Federal Rule of Civil Procedure 65 and 5 U.S.C. § 705 for a temporary restraining order to suspend the effectiveness of a Director's Order ("Order") issued by Defendant Matthew Giacona on December 22, 2025, suspending all ongoing activities on the Outer Continental Shelf relating to the fully permitted Coastal Virginia Offshore Wind Commercial Project ("CVOW"). DEV intends to soon move for a preliminary injunction. DEV respectfully requests that this Court issue a temporary restraining order barring enforcement of the Order to preserve the interim status quo until a preliminary injunction motion can be decided.

Counsel for DEV has provided notice of this motion to Defendants and their counsel. As

required by Federal Rule of Civil Procedure 65(b)(1), I certify that I gave telephonic and email notice to BOEM of this motion on December 23, 2025. The undersigned counsel has met and conferred with counsel for Defendants as provided by Eastern District of Virginia Local Rule 7(E). In compliance with Local Rule 7(E), counsel will contact the Clerk's Office to request a return date.

As discussed in the accompanying Memorandum of Law, the Director's Order sets forth no rational basis for its action, ignores BOEM's own lease and prior approval terms and regulations, is procedurally deficient, is arbitrary and capricious, and violates the Outer Continental Shelf Lands Act (OCSLA). The Order is causing DEV immediate and ongoing irreparable harm, and the balance of the equities and the public interest favor injunctive relief. DEV accordingly seeks a temporary restraining order to preserve the status quo and allow time for briefing and consideration of a motion for a preliminary injunction.

Attached to this motion are the following:

1. DEV Memorandum of Law In Support of Motion for Temporary Restraining Order.
2. Declaration of Grant T. Hollett In Support of Motion for Temporary Restraining Order.
3. Proposed Order Granting Temporary Restraining Order.

Wherefore, and for the reasons set forth in the accompanying Memorandum, DEV respectfully moves that the Court issue an order granting its motion for temporary restraining order.

Dated: December 23, 2025

Respectfully submitted,

/s/ Nessa Horewitch Coppinger
NESSA H. COPPINGER, VA Bar No. 65566
JAMES M. AUSLANDER, *pro hac vice pending*
R. JUSTIN SMITH, *pro hac vice pending*
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*Counsel for Virginia Electric and Power Company,
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CERTIFICATE OF SERVICE

I hereby certify that, promptly following filing, I will cause a true and correct copy of the foregoing Plaintiffs’ Motion for Temporary Restraining Order to be served on the following counsel via electronic mail, which is reasonably calculated to provide actual notice, given the emergency nature of the requested relief and the fact that counsel has not yet appeared in this action.

<p>Marissa Piropato <u>Marissa.Piropato@usdoj.gov</u> Kristofor Swanson <u>Kristofor.Swanson@usdoj.gov</u> Mark Brown <u>Mark.Brown@usdoj.gov</u> Amanda Rudat <u>Amanda.Rudat@usdoj.gov</u> Attorney General of the United States U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001 Tel: (202) 514-2000</p>	<p>United States Attorney’s Office Eastern District of Virginia – Norfolk Division 101 West Main Street, Suite 8000 Norfolk, VA 23510-1671 Tel: (757) 441-6331 Email: usavae.usattys@usdoj.gov</p>
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