

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1305, SUB 35

DOCKET NO. W-1300, SUB 77

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of

WLI Investments, LLC,)	
)	
Complainant)	MOTION FOR ISSUANCE OF SUBPOENA TO MICHAEL J. MYERS
)	
v.)	
)	
)	
Pluris Hampstead, LLC, and Old North)	
State Water Company, LLC,)	
)	
Respondents.)	

NOW COMES WLI Investments, LLC, (“WLI Investments”), by and through the undersigned counsel and pursuant to N.C. Gen. Stat. § 62-62 and Commission Rule R1-24(h), and hereby moves that the Commission issue a Subpoena to Michael J. Myers to testify as a witness at the hearing scheduled for December 6, 2022, to cooperate with the parties in producing documents in response to discovery requests, and in making himself available as a deponent in one or more depositions to be scheduled by the parties. In support of this Motion, WLI Investments respectfully states as follows:

1. On January 3, 2022, in the above-captioned proceeding, WLI Investments filed its Verified Complaint and Petition for Declaratory Ruling, alleging, *inter alia*, that the Respondents herein engaged in conduct that violates the provisions of Chapter 62 and that constitute a breach

of WLI Investments contract rights under a 2018 Agreement between Old North State Water Company, LLC (“ONSWC”) and WLI Investments (“Development Agreement”).

2. Michael J. Myers signed the Development Agreement on behalf of ONSWC.
3. Mr. Myers is no longer affiliated with ONSWC.
4. Mr. Myers has indicated that he will not voluntarily testify at the hearing in this proceeding nor will he voluntarily participate in depositions or produce documents.
5. WLI Investments believes that Mr. Myers, as a signatory to the Development Agreement on behalf of ONSWC and as previously affiliated with ONSWC, knows of information and possess documents that are material and relevant to the issues in this proceeding because he can provide evidence as to the intent of the parties at the time the Development Agreement was signed, as to the dealings of the parties during the executory period of the Development Agreement, standards of reasonable conduct for public utilities, and can provide further evidence as to ONSWC’s policies and practices in dealing with real estate developers, and as to the performance on the Development Agreement.
6. Depositions have not been scheduled, but WLI Investments is working diligently to schedule depositions at a convenient time and place for the parties, their counsel, and the potential deponents.

WHEREFORE, WLI Investments respectfully requests that the Commission enter an order issuing a Subpoena to Testify and Produce Documents to Michael J. Myers in the form attached hereto, requiring Mr. Myers to come and testify at the hearing in this proceeding on December 6, 2022, and further requiring Mr. Myers to cooperate with the parties in producing

documents in response to discovery requests and to make himself available as a deponent in one or more depositions to be scheduled by the parties.

Respectfully submitted this 13th day of September, 2022.

/s/ Patrick Buffkin
NC Bar No. 44264
Buffkin Law Office
3520 Apache Dr.
Raleigh, NC 27609
pbuffkin@gmail.com
*COUNSEL FOR WLI
INVESTMENTS, LLC*

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)	SUBPOENA
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Pluris Hampstead, LLC, and Old North)	
State Water Company, LLC,)	
)	
Respondents.)	

**TO: Michael J. Myers
Envirolink, Inc.
4700 Homewood Ct. Ste. 108
Raleigh, NC 27609**

YOU ARE HEREBY COMMANDED to appear before the North Carolina Utilities Commission in the Commission Hearing Room, Dobbs Building, 430 N. Salisbury St., Raleigh, North Carolina in the matter of the above-captioned proceeding as a witness on the part of WLI Investments, LLC, on December 6, 2022, at 10:00 a.m. and continuing from day-to-day until released by the Commission; and

YOU ARE HEREBY FURTHER COMMANDED to cooperate with the parties in producing documents in response to discovery requests and to make yourself available as a deponent in one or more depositions to be scheduled by the parties, upon reasonable notice not

less than 10 days and at a place within a reasonable distance from your residence or place of business.

ISSUED BY: _____

CHIEF CLERK – NORTH CAROLINA UTILITIES
COMMISSION

DATE ISSUED: _____

Patrick Buffkin, representing WLI Investments, LLC (Attorney/Party Requesting Subpoena)

To Be Completed by Sheriff or Other Process Officer:

Served the ____ day of _____, 2022.

Served by: _____(name)

_____(title)

Note to Sheriff or Other Process Officer: Please make return to Chief Clerk, North Carolina Utilities Commission, PO Box 29510, Raleigh, NC 27626.

CERTIFICATE OF SERVICE

The undersigned, Patrick Buffkin, certifies that a copy of the foregoing Motion for Issuance of Subpoena to Michael J. Myers has been served upon counsel for the Respondents herein, by electronic mail this the 13th day of September, 2022.

/s/ Patrick Buffkin
NC Bar No. 44264
Buffkin Law Office
3520 Apache Dr.
Raleigh, NC 27609
pbuffkin@gmail.com
*COUNSEL FOR WLI
INVESTMENTS, LLC*