

**U.S. District Court
Western District of Pennsylvania (Erie)
CIVIL DOCKET FOR CASE #: 1:17-cv-00006-BR**

UNITED STATES OF AMERICA v. BRACE et al
Assigned to: Judge Barbara Rothstein
related Case: [1:90-cv-00229-SPB](#)
Cause: 33:1319 Clean Water Act

Date Filed: 01/09/2017
Jury Demand: None
Nature of Suit: 893 Environmental
Matters
Jurisdiction: U.S. Government
Plaintiff

Plaintiff

UNITED STATES OF AMERICA

represented by **Laura J. Brown**

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V.

Defendant

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Defendant

ROBERT BRACE FARMS, INC.

represented by **Lawrence A. Kogan**
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Neal R. Devlin
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Defendant

**ROBERT BRACE AND SONS,
INC.**

represented by **Lawrence A. Kogan**
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Neal R. Devlin
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Date Filed	#	Docket Text
01/09/2017	<u>1</u>	COMPLAINT against All Defendants, filed by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Civil Cover Sheet) (sdp) (Entered: 01/09/2017)
01/11/2017	<u>2</u>	The instant civil action has been designated for placement into the United States District Court for the Western District of Pennsylvania's Alternative Dispute Resolution (ADR) program. For further information, parties should refer to Local Rule 16.2 and the Courts ADR Policies and Procedures, which can be accessed at the Courts website at www.pawd.uscourts.gov. Counsel for plaintiff (or in the case of a removal action, counsel for removing defendant) shall make service of this notice on all parties. The attorneys of record and all unrepresented parties that appear in this case are reminded that they are jointly responsible for submitting to the Court a stipulation of selecting an ADR process (pursuant to Revised Local Rule 16.2) as directed by the Court (nk) (Entered: 01/11/2017)
01/13/2017	<u>3</u>	NOTICE of Appearance by Paul E. Skirtich on behalf of UNITED STATES OF AMERICA. (Skirtich, Paul) (Entered: 01/13/2017)
01/24/2017	<u>4</u>	NOTICE of Appearance by Brian S. Uholik on behalf of UNITED STATES OF AMERICA. (Uholik, Brian) (Entered: 01/24/2017)
01/25/2017	<u>5</u>	WAIVER OF SERVICE Returned Executed by UNITED STATES OF AMERICA. ROBERT BRACE waiver sent on 1/10/2017, answer due 3/13/2017; ROBERT BRACE AND SONS, INC. waiver sent on 1/10/2017, answer due 3/13/2017; ROBERT BRACE FARMS, INC. waiver sent on 1/10/2017, answer due 3/13/2017. (Brown, Laura) (Entered: 01/25/2017)
02/09/2017	<u>6</u>	Errata re <u>1</u> Complaint <i>Corrected Exhibit A to Complaint</i> by UNITED STATES OF AMERICA. Reason for Correction: Correcting Exhibit A to the Complaint. (Brown, Laura) (Entered: 02/09/2017)
02/15/2017	<u>7</u>	ANSWER to <u>1</u> Complaint by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Devlin, Neal) (Entered: 02/15/2017)
02/16/2017	<u>8</u>	STIPULATION selecting ADR process by UNITED STATES OF AMERICA. (Brown, Laura) (Entered: 02/16/2017)
02/27/2017	<u>9</u>	STANDING ORDER of procedures that are to be followed in civil cases assigned to this Court. These practice standards supplement the Federal Rules of Civil Procedure and Local Rules of the United States District Court for the Western District of Pennsylvania. In the event there is an inconsistency between the Local Rules and these practice standards, the terms of this Order control. The terms of this Order shall apply to all

		pleadings and hearings pertaining to cases assigned to Judge Rothstein and shall have the force and effect of orders of the Court from this date forward. If the case was previously assigned to a different District Judge, these practice standards replace those that previously controlled, but only as to pleadings and hearings from this date forward. Signed by Judge Barbara Rothstein on 2/27/2017. (nk) (Entered: 02/27/2017)
02/27/2017	10	Parties are hereby ORDERED to meet and confer to discuss case management issues in compliance with Federal Rule of Civil Procedure 26(f). As described in Section 4 of the Standing Order, Parties must file a Rule 26(f) Meet and Confer Report. The Rule 26(f) report is due by April 27, 2017. Signed by Judge Barbara Rothstein on 2/27/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (nk) (Entered: 02/27/2017)
02/27/2017	11	ORDER REFERRING CASE to Mediation. David Cook is appointed as mediator. Signed by Judge Arthur J. Schwab on 2/27/2017. (nk) (Main Document 11 replaced on 3/16/2017) (nk). (Entered: 02/27/2017)
03/02/2017	12	Notice of Mediation by UNITED STATES OF AMERICA. Mediation Date March 8, 2017, at 10:00 a.m. (Skirtich, Paul) (Entered: 03/02/2017)
03/03/2017	13	Consent MOTION to Extend Time to File Motion to Strike Affirmative Defenses by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order) (Brown, Laura) (Entered: 03/03/2017)
03/03/2017	14	MINUTE ORDER: 13 United States Consent Motion to Extend Deadline to File Motion to Strike Affirmative Defenses is GRANTED. The deadline for the United States to file a motion to strike pursuant to Federal Rule of Civil Procedure 12(f) is extended until March 17, 2017. Signed by Judge Barbara Rothstein on 3/3/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jds) (Entered: 03/03/2017)
03/07/2017	15	Joint MOTION for Protective Order by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Proposed Order) (Devlin, Neal) (Entered: 03/07/2017)
03/13/2017	16	REPORT of Mediation: Case has not been resolved. The parties are reminded of their obligation to complete the ADR questionnaire and submit within 5 days of the conclusion of the ADR process. The questionnaire can be accessed at www.pawd.uscourts.gov. Click on the ADR icon. Mediation session was held on 3/8/2017. (Brown, Laura) (Entered: 03/13/2017)
03/17/2017	17	MOTION to Strike <i>Affirmative Defenses</i> by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Proposed Order) (Brown, Laura) (Entered: 03/17/2017)

04/05/2017	18	MOTION for attorney Lawrence A. Kogan to Appear Pro Hac Vice, (Filing fee \$70, Receipt # 0315-4292637) by ROBERT BRACE, ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit A, # 2 Exhibit B) (Kogan, Lawrence) (Entered: 04/05/2017)
04/05/2017	19	ORDER granting 18 Motion for Lawrence A. Kogan to Appear Pro Hac Vice. Signed by Judge Barbara Rothstein on 4/5/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (nk) (Entered: 04/05/2017)
04/05/2017	20	Errata re 18 Motion to Appear Pro Hac Vice by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. Reason for Correction: Typographical Error. (Attachments: # 1 Exhibit A, # 2 Exhibit B) (Kogan, Lawrence) (Entered: 04/05/2017)
04/07/2017	21	BRIEF in Opposition re 17 Motion to Strike <i>Affirmative Defenses</i> filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Devlin, Neal) (Entered: 04/07/2017)
04/21/2017	22	REPLY BRIEF <i>in support of Motion to Strike Affirmative Defenses</i> filed by UNITED STATES OF AMERICA. (Brown, Laura) (Entered: 04/21/2017)
04/27/2017	23	REPORT of Rule 26(f) Planning Meeting. (Brown, Laura) (Entered: 04/27/2017)
05/03/2017	24	MINUTE ORDER: denying as moot 15 Motion for Protective Order. Given that a mediation was held on March 8, 2017, the Court DENIES the parties' Joint Motion for Entry of a Stipulated Protective Order as MOOT. The parties may renew their motion if necessary, or in the event of a follow-up mediation. Signed by Judge Barbara J. Rothstein on May 3, 2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (smb) (Entered: 05/03/2017)
05/18/2017	25	MOTION ENTRY OF ORDER REGARDING DISCOVERY OF ESI AND CLAIMS OF PRIVILEGE OR WORK PRODUCT PROTECTION by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order, # 2 Appendix A) (Brown, Laura) (Entered: 05/18/2017)
05/19/2017	26	MINUTE ORDER: setting case schedule. Having reviewed the parties' 26(f) Report, the Court ADOPTS the following schedule: (1) If initial disclosures have not been made, the deadline for initial disclosures shall be extended to June 2, 2017; (2) Additional parties shall be joined by June 12, 2017; (3) The Court will set the deadline to amend pleadings once the Court rules on the United States' pending Rule 12(f) Motion; (4) Fact and expert discovery shall be completed by December 20, 2017; (5)

		<p>Dispositive and Daubert Motions shall be filed by February 2, 2018. Additionally, it is the practice of this Court to set a complete pretrial schedule. In lieu of a Post-Discovery Status Conference, twenty-one (21) days after the resolution of dispositive motions or the date for which filing such motions has passed, the parties shall submit a Post-Dispositive Motion Joint Status Report that includes: (1) Proposed Pretrial conference dates; (2) Proposed trial dates, including the likely length of trial (noting that the Court's presumptive limit is five days), and whether the trial should be bifurcated; and (3) Whether the trial will be tried before a jury or the Court. Signed by Judge Barbara J. Rothstein on May 19, 2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (smb) (Entered: 05/19/2017)</p>
06/08/2017	27	<p>RESPONSE to Motion re 25 MOTION ENTRY OF ORDER REGARDING DISCOVERY OF ESI AND CLAIMS OF PRIVILEGE OR WORK PRODUCT PROTECTION filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit A, # 2 Proposed Order, # 3 Appendix A) (Devlin, Neal) (Entered: 06/08/2017)</p>