

United States v. Brace (March – April – May 2018 Filings)

Case # 1-90-cv-00229-SPB (*United States v. Brace*) – 1996 CWA Consent Decree Enforcement Action

- USG Files [2nd Motion to Enforce](#) Consent Decree (3-15-18)
 - USG Files [Memo of Law Supporting 2d Motion](#) to Enforce Consent Decree – Exhibits:

Exhibit 1	Exhibit 2	Exhibit 3	Exhibit 4	Exhibit 5	Exhibit 6
Exhibit 7	Exhibit 8	Exhibit 9	Exhibit 10	Exhibit 11	Exhibit 12
Exhibit 13	Exhibit 14	Exhibit 15	Exhibit 16	Exhibit 17	Exhibit 18
Exhibit 19	Exhibit 20	Exhibit 21	Exhibit 22		

- [Brace Motion for Extension of Time](#) to Complete Discovery (3-21-18)
 - Exhibits:

Exhibit 1	Exhibit 2	Exhibit 3	Exhibit 4	Exhibit 5	Exhibit 6
Exhibit 7	Exhibit 8	Exhibit 9	Exhibit 10	Exhibit 11	Exhibit 12

- [Brace Memo of Law](#) Supporting Motion for Additional Scientific Discovery (3-21-18)
 - Exhibits:

Exhibit 1	Exhibit 2	Exhibit 3	Exhibit 4	Exhibit 5	Exhibit 6
Exhibit 7	Exhibit 8				

- [USG Opposition to Brace Motion for Additional Time](#) to Conduct Scientific Discovery (3-23-18)
 - [Exhibit 1](#)

- [Brace Notice](#) Regarding Motion for Additional Time (4-3-15)
- [USG Opposition](#) to Brace Notice Regarding Motion for Additional Time (4-3-18)
- [USG Supplemental Response](#) to Brace Notice Regarding Motion for Additional Time (4-13-18)

- [Brace Response/Opposition](#) to USG 2d Motion to Enforce Consent Decree (4-16-18)

- Brace Response/Opposition to USG 2d Motion to Enforce Consent Decree - Exhibits:

Exhibit 1	Exhibit 2	Exhibit 3	Exhibit 4	Exhibit 5	Exhibit 6
Exhibit 7	Exhibit 8	Exhibit 9	Exhibit 10	Exhibit 11	Exhibit 12
Exhibit 13	Exhibit 14	Exhibit 15	Exhibit 16	Exhibit 17	Exhibit 18

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Exhibit 19	Exhibit 20	Exhibit 21	Exhibit 22	Exhibit 23	Exhibit 24
Exhibit 25	Exhibit 26	Exhibit 27	Exhibit 28	Exhibit 29	Exhibit 30
Exhibit 31	Exhibit 32	Exhibit 33	Exhibit 34	Exhibit 35	Exhibit 36
Exhibit 37	Exhibit 38	Exhibit 39	Exhibit 40	Exhibit 41	Exhibit 42
Exhibit 43	Exhibit 44	Exhibit 45	Exhibit 46	Exhibit 47	Exhibit 48
Exhibit 49	Exhibit 50	Exhibit 51	Exhibit 52	Exhibit 53	Exhibit 54
Exhibit 55	Exhibit 56	Exhibit 57	Exhibit 58	Exhibit 59	Exhibit 60
Exhibit 61	Exhibit 62	Exhibit 63	Exhibit 64	Exhibit 65	Exhibit 66
Exhibit 67	Exhibit 68	Exhibit 69	Exhibit 70	Exhibit 71	Exhibit 72
Exhibit 73	Exhibit 74A	Exhibit 74B	Exhibit 74C	Exhibit 74D	Exhibit 75A
Exhibit 75B	Exhibit 75C	Exhibit 75D	Exhibit 75E	Exhibit 76	Exhibit 77
Exhibit 78	Exhibit 79	Exhibit 80	Exhibit 81	Exhibit 82A	Exhibit 82B
Exhibit 82C	Exhibit 82D	Exhibit 82E	Exhibit 82F	Exhibit 82G	Exhibit 83
Exhibit 84	Exhibit 85	Exhibit 86	Exhibit 87	Exhibit 88	Exhibit 89
Exhibit 90	Exhibit 91				

- **Brace [FRCP 60\(b\)\(5\) Motion to Vacate](#)** Consent Decree (4-17-18)
 - Motion to Vacate Consent Decree - Exhibits:

Exhibit 1	Exhibit 2	Exhibit 3	Exhibit 4	Exhibit 5	Exhibit 6
Exhibit 7	Exhibit 8	Exhibit 9	Exhibit 10	Exhibit 11	Exhibit 12
Exhibit 13	Exhibit 14	Exhibit 15	Exhibit 16	Exhibit 17	Exhibit 18
Exhibit 19	Exhibit 20	Exhibit 21	Exhibit 22		

- **[Memo of Law Supporting Brace FRCP 60\(b\)\(5\) Motion to Vacate](#)** Consent Decree (4-17-18)
 - Memo of Law Supporting Motion to Vacate Consent Decree - Exhibits:

Exhibit 1	Exhibit 2	Exhibit 3	Exhibit 4	Exhibit 5	Exhibit 6
Exhibit 7	Exhibit 8	Exhibit 9	Exhibit 10	Exhibit 11	Exhibit 12
Exhibit 13	Exhibit 14	Exhibit 15	Exhibit 16	Exhibit 17	Exhibit 18
Exhibit 19	Exhibit 20	Exhibit 21	Exhibit 22	Exhibit 23	Exhibit 24
Exhibit 25	Exhibit 26	Exhibit 27	Exhibit 28	Exhibit 29A	Exhibit 29B
Exhibit 30	Exhibit 31	Exhibit 32	Exhibit 33A	Exhibit 33B	Exhibit 33C
Exhibit 33D	Exhibit 33E	Exhibit 34A	Exhibit 34B	Exhibit 34C	Exhibit 34D
Exhibit 34E	Exhibit 35	Exhibit 36	Exhibit 37	Exhibit 38	Exhibit 39
Exhibit 40	Exhibit 41	Exhibit 42	Exhibit 43	Exhibit 44	Exhibit 45
Exhibit 46	Exhibit 47A	Exhibit 47B	Exhibit 48	Exhibit 49	Exhibit 50

- [USG Motion for Extension of Time](#) and to Stay Briefing (4-19-18)
- TEXT ORDER Setting Hearing on Motion [215] MOTION to Vacate Consent Decree and to Deny Stipulated Penalties, [206] Second Motion to Enforce Consent Decree and for Stipulated Penalties, [217] MOTION for Extension of Time to File Response/Reply to

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Motion to Enforce and Stay Briefing on Motion to Vacate, [208] MOTION for Extension of Time to Complete Discovery: Motion Hearing via telephone set for 5/15/18 at 2:00 PM before Magistrate Judge Susan Paradise Baxter. Counsel for Plaintiff is directed to make arrangements for all parties to participate by conference call on the above date and time. Signed by Magistrate Judge Susan Paradise Baxter on 4/19/18. Text-only entry; no PDF document will issue. This text-entry constitutes the Order of the Court or Notice on the matter. (lrw) (4-19-18)

- [USG Motion for Clarification](#) of Court's April 19, 2018 Order
- Brace [FRCP 60\(b\)\(6\) Motion for Relief From Judgment](#) Based on Extraordinary Circumstances (4-24-18)
 - Motion for Relief From Judgment Based on Extraordinary Circumstances - Exhibits:

Exhibit 1	Exhibit 2	Exhibit 3	Exhibit 4	Exhibit 5	Exhibit 6
Exhibit 7	Exhibit 8	Exhibit 9	Exhibit 10	Exhibit 11	Exhibit 12
Exhibit 13	Exhibit 14	Exhibit 15	Exhibit 16	Exhibit 17	Exhibit 18
Exhibit 19	Exhibit 20	Exhibit 21	Exhibit 22	Exhibit 23A	Exhibit 23B
Exhibit 23C	Exhibit 23D	Exhibit 23E	Exhibit 24	Exhibit 25	

- [Memo of Law Supporting Brace FRCP 60\(b\)\(6\) Motion for Relief](#) From Judgment Based on Extraordinary Circumstances (4-24-18)
 - Memo of Law Supporting Motion for Relief from Judgment Based on Extraordinary Circumstances - Exhibits

Exhibit 1	Exhibit 2	Exhibit 3	Exhibit 4	Exhibit 5	Exhibit 6
Exhibit 7	Exhibit 8	Exhibit 9	Exhibit 10	Exhibit 11	Exhibit 12
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Exhibit 37	Exhibit 38	Exhibit 39	Exhibit 40	Exhibit 41	Exhibit 42
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Exhibit 55	Exhibit 56	Exhibit 57	Exhibit 58	Exhibit 59A	Exhibit 59B
Exhibit 60	Exhibit 61	Exhibit 62	Exhibit 63	Exhibit 64	Exhibit 65
Exhibit 66	Exhibit 67	Exhibit 68	Exhibit 69A	Exhibit 69B	Exhibit 70
Exhibit 71	Exhibit 72	Exhibit 73	Exhibit 74	Exhibit 75	Exhibit 76
Exhibit 77	Exhibit 78	Exhibit 79			

- [Court Order](#) Granting Motion for Clarification and Continuing Date for USG Reply to Brace Motion to Vacate Consent Decree Until at or Subsequent to May 15, 2018 hearing. (4-24-18)

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- **[Brace Response-Opposition](#)** to Motion for Extension of Time (5-2-18)
 - [Exhibit 1](#)
 - [Exhibit 2](#)
 - [Exhibit 3](#)
- USG Reply (5-10-18)
 - [Exhibit 1](#)
 - [Exhibit 2](#)
- **[Brace Motion For Leave to File Sur-Reply](#)** (5-14-18)
 - [Proposed Order](#)
- **[Brace Brief in Support of Motion](#)** For Leave to File Sur-Reply (5-14-18_)
 - [Exhibit 1](#) [Exhibit 2](#) [Exhibit 3](#)

Case # 1-17-cv-00006-BR (*United States v. Brace*) – 2017 CWA Action Against Adjacent Brace Farm Tract

- (3-23-18) MINUTE ORDER: Counsel has informed the Court that the parties have an unresolvable discovery dispute, and that Defendant Brace has already drafted its corresponding motion. Thus, Defendants shall file their discovery motion, not to exceed 15 pages, no later than close of business today, March 23, 2018. Counsel is reminded that, pursuant to the Standing Order, a motion and legal argument supporting the motion shall be filed as a single document. Plaintiff shall file its brief response, not to exceed 7 pages, by March 28, 2018. Additionally and at the request of the parties, the Court hereby schedules a telephonic status conference on this issue for 2:30pm on March 30, 2018. Counsel for all parties shall be on the line when they call chambers at that time and at (202) 354-3330. SO ORDERED. Signed by Judge Barbara Rothstein on 3/23/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg)
- **[Brace Motion for Extension of Time](#)** for Additional Expert Discovery (3-23-18)
 - Exhibits:

<u>Exhibit 1</u>	<u>Exhibit 2</u>	<u>Exhibit 3</u>	<u>Exhibit 4</u>	<u>Exhibit 5</u>	<u>Exhibit 6</u>
<u>Exhibit 7</u>	<u>Exhibit 8</u>	<u>Exhibit 9</u>	<u>Exhibit 10</u>	<u>Exhibit 11</u>	<u>Exhibit 12</u>
<u>Exhibit 13</u>	<u>Exhibit 14</u>	<u>Exhibit 15</u>	<u>Exhibit 16</u>		
- **[USG Opposition](#)** to Brace Motion for Extension of Time for Additional Expert Discovery (3-28-18)
 - Exhibits:

<u>Exhibit 1</u>	<u>Exhibit 2</u>	<u>Exhibit 3</u>	<u>Exhibit 4</u>	<u>Exhibit 5</u>	<u>Exhibit 6</u>
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[Exhibit 7](#) [Exhibit 8](#) [Exhibit 9](#) [Exhibit 10](#) [Exhibit 11](#) [Exhibit 12](#)
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[Exhibit 19](#)

- (3-30-18) MINUTE ORDER: Having conducted a telephonic discovery conference on March 30, 2018, at which Plaintiff was represented by Laura J. Brown and Defendants were represented by Lawrence A. Kogan, and having reviewed the parties briefing (Dkts. 47-48) and the relevant legal authority submitted therein, the Court finds that adequate reason exists to grant Defendants limited request to reopen discovery. Specifically, Defendants shall have until May 25, 2018 for its experts to conduct focused analyses of Defendants three hydrologically integrated Waterford, PA farm fields, and to furnish their expert report to the Government. Failure to timely provide the Government with this expert report shall result in the Court prohibiting Defendants from using it at trial. The Government shall have until June 29, 2018 to prepare any rebuttal reports and conduct any depositions of Defendants experts. SO ORDERED. Signed by Judge Barbara Rothstein on 3/30/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg)
- (4-13-18) MINUTE ORDER: There being no objection, and in light of the Court's ruling in [49], the Court GRANTS Plaintiff's motion to extend the time to file dispositive and Daubert motions [50]. The April 16, 2018 deadline is vacated, and these motions are now due no later than August 13, 2018. All other previously-scheduled dates remain. SO ORDERED. Authorized by Judge Barbara Rothstein on 4/13/2018. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg)
- USG Motion for [Partial Judgment on the Pleadings](#) (4-16-18)
 - [Proposed Order](#)
- **Brace Response-Opposition** to USG Motion for Partial Judgment on the Pleadings (5-7-18)
 - Exhibits:
 - [Exhibit 1](#) [Exhibit 2](#) [Exhibit 3](#) [Exhibit 4](#) [Exhibit 5](#)
- **ALL Court filings in *United States v. Brace* cases**