

# EXHIBIT 4

**Brown, Laura J.S. (ENRD)**

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**From:** Brown, Laura J.S. (ENRD)  
**Sent:** Thursday, March 23, 2017 12:30 PM  
**To:** 'Devlin, Neal'  
**Cc:** 'lkogan@koganlawgroup.com'; Uholik, Brian (ENRD); Kolman, Chloe (ENRD)  
**Subject:** RE: US v Brace  
**Attachments:** ENV\_DEFENSE-#800570-v4-  
Brace\_-\_Draft\_Joint\_Motion\_for\_Leave\_to\_File\_Under\_Seal\_.DOCX

Neal:

As discussed, attached is a draft joint motion for leave to seal certain confidential settlement information. We'd like to get this filed as soon as possible, in advance of our opposition brief due day on 3/28/17. So, I request your comments by COB tomorrow.

Thanks,  
Laura

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**From:** Brown, Laura J.S. (ENRD)  
**Sent:** Wednesday, March 22, 2017 11:34 AM  
**To:** 'Devlin, Neal' <ndevlin@kmgslaw.com>  
**Cc:** lkogan@koganlawgroup.com; Uholik, Brian (ENRD) <BUholik@ENRD.USDOJ.GOV>; Kolman, Chloe (ENRD) <CKolman@ENRD.USDOJ.GOV>  
**Subject:** RE: US v Brace

Neal:

We are very disappointed that Defendants have refused to withdraw their frivolous motions for sanctions. Your e-mail, however, fails to address the fact that Defendants have violated both Section 6(C)(1) of the Court's ADR Policies and Procedures and paragraph 9(b) of the parties' Mediation Process Agreement by quoting the Agreement in Defendants' publicly filed motion, as I previously explained. The current ECF filed motion for sanctions must be removed and replaced with a version removing the quotation and discussion of the substance of the Agreement, or at the very least, redacted from public disclosure, and the parties can include that portion of the Mediation Process Agreement in the joint motion for leave to file seal. Additionally, reference to the parties' settlement communications in your motion (such as on p. 1, the sentence beginning "Despite repeated requests . . ." and the entirety of paragraph 6 ) should also be removed or redacted. And to the extent you or your clients have published the motion elsewhere (including on Mr. Kogan's law firm's website), the quotation and discussion of the Mediation Process Agreement and confidential settlement communications must be immediately removed or redacted.

Regarding the joint motion to seal, section 6.C of the Court's ADR Policies and Procedures requires that the parties "agree in writing that such specifically identified information may be disclosed" and Local Civil Rule 5.2.H, requires that the parties specifically identify the documents that they seek to seal. As such, the documents we seek to disclose to the Court, under seal, are the emails and portions of the Mediation Process Agreement listed below. The only e-mail that we intend to redact is my 2/27/17 e-mail to Mr. Cook, redacting the portions of my e-mail that relate to issues beyond the United States' attendance and authority at the mediation (a redacted copy is attached for your review). Also, we intend to disclose only the relevant sections of the mediation process agreement identified below.

- E-mail from Laura Brown, Esq., Counsel for United States, to Neal Devlin, Esq., Counsel for Defendants (Feb. 24, 2017, 11:33 A.M. EST).