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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

- - -

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.) No.

ROBERT BRACE, ROBERT BRACE) 1:17-cv-00006-BR

FARMS, INC., et al.,)

Defendants.)

- - -

Deposition of RANDALL BRACE

Wednesday, January 10, 2018

- - -

The deposition of RANDALL BRACE, called as a witness by the plaintiff, pursuant to notice and the Federal Rules of Civil Procedure pertaining to the taking of depositions, taken before me, the undersigned, Lance E. Hannaford, Notary Public in and for the Commonwealth of Pennsylvania, at the offices of U.S. Attorney's Office, 17 South Park Row, Erie, Pennsylvania 16501, commencing at 9:06 o'clock a.m., the day and date above set forth.

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1 APPEARANCES:

2 On behalf of the Plaintiff:

3 U.S. Department of Justice:

4 Laura J. Brown, Esquire

5 Brian Uholik, Esquire

6 Sarah Buckley, Esquire

7 (via telephone) Chloe Kolman, Esquire

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12 On behalf of the Defendants:

13 Lawrence A. Kogan, Esquire

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15 New York, New York 10017

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18 ALSO PRESENT:

19 Beverly Brace

20 Robert Brace

21 - - -

22
23
24
25

1 Q One of the companies --

2 A One of the companies, right.

3 Q -- owns the tractor.

4 You said you cleaned the ditch after -- you
5 said the EPA gave you permission. Do you have -- I
6 won't hold you to a specific date. Do you have an
7 approximate -- do you have an approximate date when
8 you did it? Do you have any idea?

9 A It was after the meeting when Todd Lutte
10 and what is his name, Fodse came out.

11 MR. KOGAN: I would like to take a moment,
12 counsel. Off the record.

13 (Discussion off the record.)

14 MR. KOGAN: Counsel for Defendant Randall
15 Brace asked counsel for the government whether
16 there was any design specification or picture
17 separate --

18 MS. BROWN: Let's say it on the record.
19 Ask me on the record.

20 MR. KOGAN: I will ask you on the record
21 did you produce in discovery any specifications
22 for design of the check dam that was to be
23 installed in the 1996 restoration plan.

24 MS. BROWN: My response is I believe it's
25 in the consent decree. If there is anything

1 that -- I will double-check, but I am quite
2 certain everything we have has been produced, but
3 I will follow up on counsel's request.

4 MR. KOGAN: Pictorially as well as in
5 writing.

6 MS. BROWN: That is my answer for both. I
7 understand.

8 MR. KOGAN: Thank you.

9 MR. UHOLIK: I will just for the record,
10 I'm going to read from the consent decree from
11 the restoration plan page 2 under No. 3, install
12 check dam where it says, "This dam shall be one
13 and one half feet high, four feet long and as
14 wide as the tributary bottom. The dam shall be
15 constructed of concrete gambions or compacted
16 rock."

17 Q Back to my questions.

18 It was after -- I think my question was
19 when after the EPA -- after you said EPA gave you
20 permission to do work, did you clean out the ditches,
21 and you said what?

22 A Repeat that question.

23 Q You said you cleaned out the ditches in the
24 consent decree area. Correct?

25 A The one that goes down -- yes, this one