

Exhibit 2

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

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UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:17-cv-00006-BR
)	
ROBERT BRACE,)	
ROBERT BRACE FARMS, Inc., and)	
ROBERT BRACE and SONS, Inc.,)	
)	
Defendants.)	
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UNITED STATES’ REQUEST FOR ENTRY ON LAND

The United States, pursuant to Rule 34(a)(2) of the Federal Rules of Civil Procedure, request that Defendants Robert Brace, Robert Brace Farms, Inc., and Robert Brace and Sons, Inc., provide the United States access to the Marsh Site, as identified below, for purposes of inspecting, measuring, photographing, testing, and sampling the soil, water, aquatic organisms, and/or vegetation on the property.¹ The United States requests that this access be provided beginning at 10 a.m. on October 16, 2017, and, if necessary, continue through October 17, 2017. If the inspection is not completed within that time, then the United States will request additional access.

¹ By email dated September 13, 2017, counsel for the United States notified counsel for Defendants that the United States sought to inspect the Marsh Site on October 16-17, 2017. Email notice is sufficient to qualify as formal discovery request under Rule 34, *Westport Ins. Corp. v. Hippo Fleming & Pertile Law Offices*, 319 F.R.D. 214, 218 (W.D. Pa. 2017) (citing *Trask v. Olin Corp.*, 298 F.R.D. 244, 260 (W.D. Pa. 2014)).

A. The Property to Be Inspected

The property to be inspected includes the area identified as the Marsh Site, i.e., the approximately 20.01 acre property located in the Townships of McKean and Waterford, Erie County, Pennsylvania, immediately east of Sharp Road, west of Elk Creek, north of Lane Road, and south of Greenlee Road, identified by the Erie County Bureau as tax parcels, 47-011-004-0-003.00 and 31-016-063.0-002.00, which is depicted in “Corrected Attachment A” to the Complaint, ECF No. 6.

B. The Purpose of the Site Visit

The purpose of the visit is to allow the United States to inspect, measure, photograph, test, and/or sample the land, soil, water, aquatic organisms, and/or vegetation at or near the Marsh Site.

C. The Activities to Be Undertaken on the Site

The activities to be undertaken during the inspection include work associated with observation and analysis of the Marsh Site, including the wetlands, streams, and tributaries at or near the Marsh Site. These activities include, but are not limited to, the following: (1) visual examination (including photography) and survey of the land, wetlands, streams, and tributaries at or near the Site; (2) collection of water, soil, aquatic organisms, and/or vegetation samples; and (3) measurements relating to the land, wetlands, streams, and tributaries at or near the Site. Upon request, the United States will provide portions of any samples collected to Defendants’ representatives at the time such samples are collected. Defendants’ representatives shall be responsible for bringing all appropriate containers and other materials for any their portions of samples collected. The United States reserves the right to inspect, measure, photograph, test, and/or sample the soil, water and/or vegetation at any location at the Marsh Site.

D. The Persons to Be Involved in the Inspection

The United States expects that its consultants, as well as their employee(s); EPA inspector(s); and counsel for the United States, will participate in the inspection.

E. The Dates of Inspection

The United States intends to begin its inspection at approximately 10 a.m. on October 16, 2017. If the work is not completed on that date, the inspection will continue through October 17, 2017, if necessary. An additional visit to the Marsh Site may be necessary if the United States does not complete the inspection or if weather or other conditions prevent the completion of the inspection.

Respectfully requested,

JEFFREY H. WOOD
Acting Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division

/s/ Laura J. Brown
LAURA J. BROWN (PA Bar # 208171)
BRIAN UHOLIK (PA Bar # 209518)
CHLOE KOLMAN (IL Bar # 6306360)
SARAH A. BUCKLEY (VA Bar # 87350)
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Defense Section
601 D Street, N.W., Suite 8000
Washington, DC 20004
Phone: (202) 514-3376 (Brown)
Phone: (202) 305-0733 (Uholik)
Phone: (202) 514-9277 (Kolman)
Phone: (202) 616-7554 (Buckley)
Laura.J.S.Brown@usdoj.gov
Brian.Uholik@usdoj.gov
Chloe.Kolman@usdoj.gov
Sarah.Buckley@usdoj.gov

DATED this 22nd day of September, 2017.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 22, 2017, I sent a true and correct copy of the foregoing United States' Rule 34 Request for Entry to counsel for Defendants via First Class mail and E-mail at the following address.

Neal R. Devlin, Esq.
Knox McLaughlin Gornall & Sennett, P.C.
120 West Tenth Street
Erie, PA 16501-1461
(814) 459-2800
ndevlin@kmgslaw.com

Lawrence A. Kogan, Esq.
100 United Nations Plaza
Suite #14F
New York, New York, 10017
(212) 644-9240
lkogan@koganlawgroup.com

/s/ Laura J. Brown