

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

UNITED STATES OF AMERICA,)	Civil Action No. 1:90-cv-00229
)	
Plaintiff)	
)	
v.)	
)	
ROBERT BRACE, ROBERT BRACE)	
FARMS, INC., and ROBERT BRACE and)	
SONS, Inc.)	
)	
Defendants)	

**NOTICE OF FILING OF ADMINISTRATIVE CLAIMS
AGAINST THE UNITED STATES**

Defendants, Robert Brace, Robert Brace Farms, Inc., and Robert Brace and Sons, Inc., (“Defendants” or “Braces”) by and through their undersigned counsels, file with the Court a Notice of Filing of Administrative Claims Against the United States, as set forth below.

1. On July 3, 2017, Defendants filed Administrative Claims, pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346(b), against the United States Environmental Protection Agency, United States Army Corps of Engineers, and United States Department of Interior Fish & Wildlife Service, to obtain compensatory monetary damages for harm proximately caused to Defendants’ real and personal property as the result of the periodic ongoing flooding and/or eroding of Defendants’ three contiguous and adjacent integrated farm tracts proximately caused by the improper, wrongful and/or negligent acts and omissions of the United States and its employees in connection with their over-enforcement of the 1996 Court-approved Consent Decree covering only a portion of one of those three properties. A copy of the Administrative Claims filed with the United States government is attached hereto as Exhibit A.¹

¹ Exhibit 4 to the Administrative Claim is a Microsoft Excel spreadsheet contained on a CD. A copy of this CD will be mailed to the Court and opposing counsel.

2. On June 22, 2017, Plaintiff filed with the Court a letter correspondence referencing and accompanied by an attached “transcript of the telephonic conference held before Magistrate Judge Robert C. Mitchell in this matter on May 26, 2017, that the United States indicated it would provide to the Court in its Response to Defendants’ Notice Indicating that Motion for Sanctions (ECF No. 109) Should be Considered as Remaining Pending.” Said transcript, in turn, had referred to a then forthcoming multimillion dollar administrative claim (in the process of being developed by Defendants) against the United States of which Defendants’ counsels had first provided Plaintiff’s counsels Brown and Uholik constructive notice in early March 2017.

<p>Respectfully submitted,</p> <p>THE KOGAN LAW GROUP, P.C..</p> <p>By: <u>/s/ Lawrence A Kogan</u> Lawrence A. Kogan, Esq. (<i>Pro Hac Vice</i>) (NY # 2172955) 100 United Nations Plaza Suite #14F New York, New York, 10017</p> <p>(t)212 644-9240</p> <p>Email: lkogan@koganlawgroup.com</p> <p>Attorneys for Defendants, Robert Brace and Robert Brace Farms, Inc.</p>	<p>Respectfully submitted,</p> <p>KNOX McLAUGHLIN GORNALL & SENNETT, P.C.</p> <p>By: <u>/s/ Neal R. Devlin</u> Neal R. Devlin, Esq. (PA ID No. 89223) Alexander K. Cox, Esq. (PA ID No. 322065) 120 West Tenth Street Erie, PA 16501-1461 Telephone: (814) 459-2800 Fax: (814) 453-4530 Email: ndevlin@kmgslaw.com</p> <p>Attorneys for Defendants, Robert Brace and Robert Brace Farms, Inc.</p>
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