

Exhibit 17

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

4 _____ :

5 UNITED STATES OF AMERICA, :

6 Plaintiff, :

7 vs. : Civil Action No.:

8 : 1:17-cv-00006 (BR)

9 : :

10 ROBERT BRACE, : Civil Action No.:

11 ROBERT BRACE FARMS, Inc., and : 90-cv-229 (SPB)

12 ROBERT BRACE and SONS, Inc., :

13 Defendants. :

14 _____ :

15 Deposition of: Andrew Johnson,

16 Date: February 26, 2018

17 Time: 9:14 a.m.

18 Location: United States Attorney's Office for
the Eastern District of Virginia
401 Courthouse Square
Alexandria, Virginia 22314

19 Reported By: Trinity Pomar, Notary Public

20

21 Capital Reporting Company

22 1250 Eye Street, NW, Suite 350
Washington, D.C. 20005

A P P E A R A N C E S

1
2 On behalf of Plaintiff:

3 BRIAN S. UHOLIK, ESQUIRE

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4 Environmental & Natural Resources Division

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8 On behalf of Defendants:

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13 Also present:

14 Sydney Menees, Esquire

15 Dwayne Edwards

16 Robert Brace

17 Beverly Brace

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1 MR. UHOLIK: I'm not asking him about the
2 photo at the moment. I'm asking him if he's aware
3 that this photo, the photo that he's looking at,
4 was entered into evidence in the original trial.

5 MR. KOGAN: Even we as counsel weren't
6 aware that it was entered. We have a problem.

7 MR. UHOLIK: Then I guess you guys didn't
8 read the deposition transcript.

9 MR. KOGAN: No, we did.

10 MR. UHOLIK: Or excuse me, the trial
11 transcript.

12 MR. KOGAN: We didn't see any copies of
13 exhibits because government withheld exhibits.

14 BY MR. UHOLIK:

15 Q. Are you aware that the photo that you're
16 looking at was accepted into evidence by the Court
17 in the original trial?

18 A. No, I was not aware.

19 Q. Okay.

20 MR. KOGAN: Objection. Again to
21 foundation.

22 BY MR. UHOLIK:

1 Q. If you would please turn to --

2 MR. KOGAN: Let me state for the record
3 that the government has not provided many of the
4 exhibits tied to the original documents filed in
5 the 1990 trial. We have asked for documents
6 multiple times and they just keep on giving us a
7 cache full of repeat imagery that do not include
8 references to exhibits provided in the 1990 trial.
9 If they did provide defendants' counsel with the
10 imagery from the 1990 trial, then we would be able
11 to answer.

12 BY MR. UHOLIK:

13 Q. If you would please turn to Page 38.

14 A. Okay.

15 Q. Would you please read from 38, 15, to Page
16 39, 25, please.

17 A. Okay.

18 MR. KOGAN: I'll state for the record that
19 Lines 15 through 25 on Page 38 are the Stokely voir
20 dire performed on November 29, 1993. It does not
21 disclose any reference to a photograph from 1993.

22 MR. UHOLIK: He isn't finished reading it.