

# Exhibit H

**From:** [Devlin, Neal](#)  
**To:** [Brown, Laura J.S. \(ENRD\)](#); [lkogan@koganlawgroup.com](mailto:lkogan@koganlawgroup.com); [Cox, Alexander K.](#)  
**Cc:** [Kolman, Chloe \(ENRD\)](#); [Buckley, Sarah \(ENRD\)](#); [Uholik, Brian \(ENRD\)](#)  
**Subject:** RE: Activity in Case 1:90-cv-00229-SPB U.S.A., et al v. BRACE, et al Order on Motion for Extension of Time to Complete Discovery  
**Date:** Thursday, November 16, 2017 8:54:31 AM

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Laura:

We do plan on identifying Mr. Johnson as an expert and providing a supplement to his report. Based on that, can we agree to push his deposition to later in the schedule and do the USDA employees on November 29 and 30<sup>th</sup>? That would seem to fit in everyone's schedule.

Thanks,  
Neal

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**From:** Brown, Laura J.S. (ENRD) [mailto:Laura.J.S.Brown@usdoj.gov]  
**Sent:** Wednesday, November 15, 2017 12:13 PM  
**To:** Devlin, Neal <ndevlin@kmgslaw.com>; lkogan@koganlawgroup.com; Cox, Alexander K. <acox@kmgslaw.com>  
**Cc:** Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Uholik, Brian (ENRD) <Brian.Uholik@usdoj.gov>  
**Subject:** RE: Activity in Case 1:90-cv-00229-SPB U.S.A., et al v. BRACE, et al Order on Motion for Extension of Time to Complete Discovery

Hi Neal:

We could agree to the depositions of the former USDA employees on the November 29 and 30, if Mr. Johnson would agree to come to Erie on December 1 for his deposition. The subpoena is out with the process server, so we would need to modify the subpoena, unless you would agree to accept service on his behalf. Also, do you intend to designate Mr. Johnson as an expert witness and supplement his Eco Strategies report? If so, we may consider moving his deposition until after we receive a supplemental report.

Thanks,  
Laura

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**From:** Devlin, Neal [mailto:ndevlin@kmgslaw.com]  
**Sent:** Wednesday, November 15, 2017 11:30 AM  
**To:** Brown, Laura J.S. (ENRD) <LBrown@ENRD.USDOJ.GOV>; lkogan@koganlawgroup.com; Cox, Alexander K. <acox@kmgslaw.com>  
**Cc:** Kolman, Chloe (ENRD) <CKolman@ENRD.USDOJ.GOV>; Buckley, Sarah (ENRD) <SBuckley@ENRD.USDOJ.GOV>; Uholik, Brian (ENRD) <BUholik@ENRD.USDOJ.GOV>  
**Subject:** RE: Activity in Case 1:90-cv-00229-SPB U.S.A., et al v. BRACE, et al Order on Motion for Extension of Time to Complete Discovery

Laura:

We will check on the dates for the Braces in December. Give me until early next week on that.

Regarding the USDA employees, we would like to keep those the week of 11/27, and perhaps move Andy Johnson to December to avoid conducting two depositions on the same day. Please let me know if you are available the week of 11/27 for us to get those done.

Thanks,  
Neal

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**From:** Brown, Laura J.S. (ENRD) [<mailto:Laura.J.S.Brown@usdoj.gov>]  
**Sent:** Tuesday, November 14, 2017 4:13 PM  
**To:** Devlin, Neal <[ndevlin@kmgslaw.com](mailto:ndevlin@kmgslaw.com)>; [lkogan@koganlawgroup.com](mailto:lkogan@koganlawgroup.com); Cox, Alexander K. <[acox@kmgslaw.com](mailto:acox@kmgslaw.com)>  
**Cc:** Kolman, Chloe (ENRD) <[Chloe.Kolman@usdoj.gov](mailto:Chloe.Kolman@usdoj.gov)>; Buckley, Sarah (ENRD) <[Sarah.Buckley@usdoj.gov](mailto:Sarah.Buckley@usdoj.gov)>; Uholik, Brian (ENRD) <[Brian.Uholik@usdoj.gov](mailto:Brian.Uholik@usdoj.gov)>  
**Subject:** FW: Activity in Case 1:90-cv-00229-SPB U.S.A., et al v. BRACE, et al Order on Motion for Extension of Time to Complete Discovery

Neal and Larry:

Given the Court's order we are withdrawing our deposition notices for the Braces on 11/16 and 11/17. We will be issuing revised notices shortly. Please let us know if 12/19 and 12/20 work for rescheduling those depositions. We could also schedule the USDA employee's depositions that week, on the 12/21 and 12/22.

Thanks,  
Laura

**From:** [ecf\\_intake\\_pawd@pawd.uscourts.gov](mailto:ecf_intake_pawd@pawd.uscourts.gov) [[mailto:ecf\\_intake\\_pawd@pawd.uscourts.gov](mailto:ecf_intake_pawd@pawd.uscourts.gov)]  
**Sent:** Tuesday, November 14, 2017 3:21 PM  
**To:** [pawd\\_ecf@pawd.uscourts.gov](mailto:pawd_ecf@pawd.uscourts.gov)  
**Subject:** Activity in Case 1:90-cv-00229-SPB U.S.A., et al v. BRACE, et al Order on Motion for Extension of Time to Complete Discovery

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**U.S. District Court**

**Western District of Pennsylvania**

**Notice of Electronic Filing**

The following transaction was entered on 11/14/2017 at 3:21 PM EST and filed on 11/14/2017

**Case Name:** U.S.A., et al v. BRACE, et al

**Case Number:** [1:90-cv-00229-SPB](#)

**Filer:**

**Document Number:** [193](#)

**Docket Text:**

**ORDER that the parties Joint Motion to Extend Deadlines, [191], is GRANTED.IT IS FURTHER ORDERED that: 1.All discovery (including both factual and expert discovery, as well as all depositions) shall be concluded by January 31, 2018;2.The Motion to Enforce may be re-filed no later than February 15, 2018;3.Any Opposition to the Motion to Enforce must be filed within 30 days of the filing of the Motion to Enforce; and, 4.Any Reply in Support of the Motion to Enforce must be filed within 20 days of the filing of the Opposition to the Motion to Enforce. Signed by Magistrate Judge Susan Paradise Baxter on 11/14/17. (lrw)**

**1:90-cv-00229-SPB Notice has been electronically mailed to:**

Alexander K. Cox [acox@kmgslaw.com](mailto:acox@kmgslaw.com), [litigation@kmgslaw.com](mailto:litigation@kmgslaw.com)

Laura J. Brown [laura.j.s.brown@usdoj.gov](mailto:laura.j.s.brown@usdoj.gov)

Brian S. Uholik [brian.uholik@usdoj.gov](mailto:brian.uholik@usdoj.gov), [efile\\_eds.enrd@usdoj.gov](mailto:efile_eds.enrd@usdoj.gov)

Lawrence A. Kogan [lkogan@koganlawgroup.com](mailto:lkogan@koganlawgroup.com)

David L. Cook [Daivd.Cook@leclairryryan.com](mailto:Daivd.Cook@leclairryryan.com)

Kenneth C. Amaditz [kenneth.amaditz@usdoj.gov](mailto:kenneth.amaditz@usdoj.gov)

Chloe H. Kolman [chloe.kolman@usdoj.gov](mailto:chloe.kolman@usdoj.gov)

Sarah A. Buckley [sarah.buckley@usdoj.gov](mailto:sarah.buckley@usdoj.gov)

Paul E. Skirtich [paul.skirtich@usdoj.gov](mailto:paul.skirtich@usdoj.gov), [CaseView.ECF@usdoj.gov](mailto:CaseView.ECF@usdoj.gov),  
[carol.friedrich@usdoj.gov](mailto:carol.friedrich@usdoj.gov), [lisa.fawcett@usdoj.gov](mailto:lisa.fawcett@usdoj.gov), [melissa.dojcak@usdoj.gov](mailto:melissa.dojcak@usdoj.gov),  
[usapaw.ecfcivil@usdoj.gov](mailto:usapaw.ecfcivil@usdoj.gov)

Neal R. Devlin [ndevlin@kmgslaw.com](mailto:ndevlin@kmgslaw.com), [litigation@kmgslaw.com](mailto:litigation@kmgslaw.com), [nealndar@gmail.com](mailto:nealndar@gmail.com)

**1:90-cv-00229-SPB Filer must deliver notice by other means to:**

John Ward  
208 North Third Street  
300 Mary Sachs Building  
Harrisburg, PA 17101

Thomas W. Corbett , Jr  
United States Attorney's Office  
700 Grant Street  
Suite 400  
Pittsburgh, PA 15219

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1098469114 [Date=11/14/2017] [FileNumber=5260611-0] [036ea5f400afa90c5a8d2b6fecffc02bd27d7fd578d8dae4b0a99240469d182203d8a572b219d2b894dc2c36d4d103fe2f9dfcd800e6bf778f41abd3a2996431]]