

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 90-229 (Erie)
	)	
ROBERT BRACE,	)	
ROBERT BRACE FARMS, Inc.,	)	
	)	
Defendants.	)	

**UNITED STATES’ SUPPLEMENTAL RESPONSE TO DEFENDANTS’ NOTICE  
REGARDING MOTION FOR ADDITIONAL TIME (ECF NO. 211)**

The United States submits this Supplemental Response to Defendants’ “Notice Regarding Motion for Extension of Time to Complete Expert Discovery,” ECF No. 211.

1. On April 3, 2018, the United States responded to Defendants’ “Notice Regarding Motion for Extension of Time to Complete Expert Discovery,” ECF No. 212. In that response, the United States explained that during the March 30, 2018 telephonic hearing on Defendants’ motion for additional time to conduct expert discovery filed in 17-CV-006, Judge Rothstein explicitly rejected Defendants’ argument that the United States violated the parties’ October 3, 2017 stipulation. That stipulation serves as the *sole* basis for Defendants’ untimely motion filed with this Court. *See* ECF No. 212 at ¶ 3.

2. At the time the United States filed its response, ECF No. 212, it did not have the transcript of the March 30, 2018 telephonic hearing and could not provide a citation for Judge Rothstein’s statement described above. The United States has since obtained the transcript, which is attached to this Notice as Exhibit 1. Specifically, the United States refers the Court to the following statement by Judge Rothstein:

Mr. Cogan [sic], Mr. Cogan [sic], let me give you a word of advice. Stop arguing the stipulation because I am not concerned about the stipulation. I've seen nothing to dispute the fact that opposing counsel has told you, and told the Court in a brief and has now said on the record, that none of the information that they have gleaned is going to be shared with the Army Corps of Engineers. So I am not concerned[.]”

Tr. of Tel. Disc. Conf. before Hon. B. Rothstein (March 30, 2018), 13:7-13.

Respectfully submitted,

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Dated: April 13, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that on April 13, 2018, I served the foregoing United States' Supplemental Response to Defendants' Notice Regarding Motion for Additional Time (ECF No. 211) on the following counsel for Defendants via ECF:

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