

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

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

**NOTICE REGARDING DEFENDANTS’ MOTION FOR EXTENSION OF TIME TO
COMPLETE EXPERT DISCOVERY**

Defendants, Robert Brace, Robert Brace Farms, Inc., and Robert Brace and Sons, Inc. (collectively, “Defendants” or “Brace”) file this Notice Regarding Defendants’ Motion for an Extension of Time to Complete Expert Discovery:

1. On March 21st, Defendants filed a motion to extend the expert discovery deadline until June 29, 2018. *See* ECF No. 208.

2. Defendants filed a similar motion in the related ’17 case (No. 17-6), requesting an extension of discovery until the same date (June 29th) based on the same rationale—the need for additional time to prepare sufficient scientific expert reports. *See* No. 17-6, ECF No. 47.

3. Following a telephonic hearing held on March 30th, the Court in the ’17 case (the Honorable Barbara Rothstein) **granted** Defendants’ motion in part. According to the Court’s order, “Defendants shall have until May 25, 2018 for its expert to conduct focused analyses of Defendants three hydrologically integrated Waterford, PA farm fields, and to furnish their expert report to the Government.” *See* No. 17-6, ECF No. 49. The Court also gave the Government “until June 29, 2018 to prepare any rebuttal reports and conduct any depositions of Defendants experts.” *Id.*

4. Defendants greatly appreciate the additional expert discovery time this Court has recently granted in related action 1:17-cv-00006-BR, but must emphasize to this Court with respect to *this* action, the Murphy Farm Consent Decree Area and watercourses' central physical location within Defendant's three farm-tract 157-acre hydrologically integrated Waterford, PA farm, and the consequent need of Defendants' retained engineers to secure sufficient additional time, until June 20, 2018, to gather data from installed in-ground monitors from which to record findings, conduct analyses, and draw accurate conclusions regarding the rate, magnitude and impact of hydraulic/hydrologic flows passing through and beyond the Consent Decree Area which can then be reported to the United States.

WHEREFORE, the Defendants, by and through their undersigned attorneys, respectfully request that Court extend the deadline for expert discovery to June 20, 2018.

Respectfully submitted,

THE KOGAN LAW GROUP, P.C..

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Respectfully submitted,

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