

Exhibit 9

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

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UNITED STATES OF AMERICA,)
Plaintiff,)
vs.)No.
ROBERT BRACE, ROBERT BRACE)1:17-cv-00006-BR
FARMS, INC., et al.,)
Defendants.)

Deposition of ROBERT BRACE
Tuesday, January 9, 2018

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The deposition of ROBERT BRACE, called as a witness by the plaintiff, pursuant to notice and the Federal Rules of Civil Procedure pertaining to the taking of depositions, taken before me, the undersigned, Lance E. Hannaford, Notary Public in and for the Commonwealth of Pennsylvania, at the offices of U.S. Attorney's Office, 17 South Park Row, Erie, Pennsylvania 16501, commencing at 9:14 o'clock a.m., the day and date above set forth.

1 APPEARANCES:

2 On behalf of the Plaintiff:

3 U.S. Department of Justice:

4 Laura J. Brown, Esquire

5 Brian Uholik, Esquire

6 Sarah Buckley, Esquire

7 Chloe Kolman, Esquire

8 P.O. Box 7611

9 Washington, D.C. 20044-7611

10 202.514.3376

11 laura.j.s.brown@usdoj.gov

12 On behalf of the Defendants:

13 Lawrence A. Kogan, Esquire

14 100 United Nations Plaza, Suite 14F

15 New York, New York 10017

16 212.644.9240

17 lkogan@koganlawgroup.com

18 Knox McLaughlin Gornall & Sennett:

19 Alexander K. Cox, Esquire

20 120 West Tenth Street

21 Erie, Pennsylvania 16501

22 814.459.2800

23 acox@kmgslaw.com

24 ALSO PRESENT:

25 Beverly Brace

- - -

1 photographs that are going to be marked as Exhibits 36
2 and 37. 36 has what appears to be a dog in the
3 photograph. And 37 is a landscape. Could you tell me
4 what is in 36?

5 A That is on Randy's property looking across
6 the valley on that same photo, that is down there,
7 only a different view. I think this here --

8 Q 37.

9 A I think this is the same one of the other
10 one there. Randy can describe this better than I
11 maybe. I don't know. I don't know the date these
12 were taken.

13 Q Do you know who the dog is?

14 A It just indicates it's always been, in our
15 minds, cropland and farmland.

16 Q Do you know the dog?

17 A I don't know the dog.

18 Q I thought it might help us age the picture.

19 A Okay.

20 Q I don't think I have any further questions
21 about these photographs.

22 A I would like to have that dog.

23 Q I think we are done with our questioning.

24 I would like to represent that I do not think the
25 witness was adequately prepared under rule 30(b)6 on

1 several topics. Specifically, the specific property
2 ownerships of the individual entities, which is topic
3 5, in the 30(b)(6) for 90-229 case, as well as
4 topic --

5 MR. KOGAN: You have to understand we are
6 dealing with a lot of material. And actually,
7 all of the information you have pretty much
8 speaks for itself.

9 MS. BROWN: We can talk about this. But
10 under the rules the witness is required to
11 prepare and review documents and come to an
12 understanding and be knowledgeable about all of
13 the topics.

14 MR. KOGAN: I know from yesterday neither
15 witness was prepared at all.

16 MS. BROWN: They were not 30(b)(6)
17 witnesses.

18 MR. KOGAN: I know. I realize.

19 MS. BROWN: I will just state for the
20 record for the 90-229 action, it is our position
21 the witness was not prepared for topics 5, 13, 14
22 and 15, which all relate to, generally, the
23 assets and funds or assets managed or used by
24 Brace Farms.

25 MR. KOGAN: Again, we can have a discussion

1 offline about that.

2 MS. BROWN: And then for the '17 action,
3 Robert Brace & Sons, Inc., topics 3 which is
4 ownership in real estate -- not 3. 5. Topic 10,
5 the identification of employees. 13, 14, 15,
6 which is again assets and liabilities, the
7 management and use of funds and funds and assets.

8 The record will reflect Mr. Brace often
9 referred to the fact he would need specific
10 documents in front of him to answer these
11 questions or that the questions be better
12 directed to his accountant --

13 MR. KOGAN: Which is a satisfactory answer.

14 MS. BROWN: It's not. We can perhaps cure
15 it another way. Mr. Brace has a duty to be
16 educated. He may need to study the documents
17 before the deposition.

18 It does not sound like there were any
19 documents provided to Mr. Brace to prepare him on
20 those topics. But we are finished.

21 THE WITNESS: Thank you.

22 MR. KOGAN: For you. Now I have questions.

23 EXAMINATION

24 BY MR. KOGAN:

25 Q Mr. Brace, counsel for Department of