

**U.S. District Court
Western District of Pennsylvania (Erie)
CIVIL DOCKET FOR CASE #: 1:90-cv-00229-SPB**

U.S.A., et al v. BRACE, et al
Assigned to: Magistrate Judge Susan Paradise Baxter
Demand: \$0
related Case: [1:17-cv-00006-BR](#)
Case in other court: 94-03076
Cause: 33:1319 Clean Water Act

Date Filed: 10/04/1990
Jury Demand: Plaintiff
Nature of Suit: 893 Environmental Matters
Jurisdiction: U.S. Government Plaintiff

Plaintiff

UNITED STATES OF AMERICA

represented by **Laura J. Brown**
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V.

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Defendant

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Date Filed	#	Docket Text
03/23/1992	19	RESPONSE by U.S.A. in support of its mtn for Bifurcation into Separate Trials on Liability and Remedy. (sdp) (Entered: 10/30/1992)
04/17/1992		ORDER upon motion granting [19-1] support response and orders bifurcation into separate trials: 1. a jury trial on the liability issues, and 2. a bench trial on the remedy issues with a commencement date immediately after completion of the liability phase. (signed by Judge Glenn E. Mencer on 4/17/92) CM all parties of record. (sdp) (Entered: 10/30/1992)
04/30/1992	24	PRETRIAL STATEMENT by U.S.A. of Materials facts, list of witnesses, list of issues, and lists of exhibits. (sdp) (Entered: 10/30/1992)
05/28/1992	28	PRETRIAL STATEMENT by ROBERT BRACE, ROBERT BRACE FARMS of material facts, listing of witnesses, list of legal issues and list of exhibits. (sdp) (Entered: 10/30/1992)
07/06/1992	32	MEMORANDUM OPINION and ORDER GRANTING IN party and denying in part pltf's mtn for partial summary jmnt. The Mtn that the U.S. is not equitably estopped from seeking to enforce the Clean Water Act is granted. The Mtn asking the court to find that the activities of def were not exempt from the permit requirements of the clean Water Act is DENIED. Def's Mtn for summary jmnt is DENIED. (signed by Judge Glenn E. Mencer on 7/6/92) CM all parties of record. (sdp) (Entered: 10/30/1992)
07/16/1992	33	Pre-Trial Conference set for 4:30 11/3/92 (sdp) (Entered: 10/30/1992)
07/23/1992	34	CONSENT PROTECTIVE ORDER regarding financial records. (signed by Judge Glenn E. Mencer on 7/23/92) CM all parties of record. (sdp) (Entered: 10/30/1992)
11/04/1992	35	Pre-Trial Conference held [Reporter: Shirley Perry] Total trial time of 2 weeks; 7 to 10 days. Bifurcated; liability phase is before a jury. Defs to move to request a view of the Brace Farms. Mtn Granted. Trial date will be given in the future. Attorneys will tell court how many juroros they prefer within 30 days. (sdp) (Entered: 11/04/1992)
12/03/1992	36	Jury selection and Jury Trial set for 9:30 7/12/93 before Mencer, J. in Erie, PA. (sdp) (Entered: 12/04/1992)
02/09/1993	37	Jury Trial set for 9:30 9/27/93 before Mencer, J. in Erie, PA. (sdp) (Entered: 02/12/1993)
03/12/1993	38	JURY SELECTION and Jury Trial set for 10:00 11/29/93 before Mencer, J. in Erie, PA. (sdp) (Entered: 03/15/1993)
09/14/1993	39	MOTION by USA to Preclude Use of Certain Exhibits and Testimony of Certain Witnesses with Proposed Order. (sdp) (Entered: 09/15/1993)
09/14/1993	40	BRIEF by USA in support of [39-1] motion to Preclude Use of Certain Exhibits and Testimony of Certain Witnesses by USA (sdp) (Entered: 09/15/1993)
09/22/1993	41	MOTION by USA in Limine with Proposed Order. (sdp) (Entered: 09/23/1993)

10/12/1993	42	BRIEF by ROBERT BRACE, ROBERT BRACE FARMS in opposition to [41-1] motion in Limine by USA (sdp) (Entered: 10/14/1993)
10/28/1993	43	ORDER denying [41-1] motion in Limine (signed by Judge Glenn E. Mencer on 10/28/93) CM all parties of record. (sdp) (Entered: 10/29/1993)
11/15/1993	44	TRIAL BRIEF by USA (sdp) (Entered: 11/22/1993)
11/22/1993	45	NOTICE of Attorney Appearance for ROBERT BRACE, ROBERT BRACE FARMS by Samuel W. Braver (sdp) (Entered: 11/22/1993)
11/22/1993	46	PROPOSED Voir Dire Questions by ROBERT BRACE, ROBERT BRACE FARMS (sdp) (Entered: 11/22/1993)
11/22/1993	47	NOTICE of Attorney Appearance for ROBERT BRACE, ROBERT BRACE FARMS by Samuel W. Braver, Esq. (sdp) (Entered: 11/23/1993)
11/22/1993	48	PROPOSED Voir Dire Questions by ROBERT BRACE, ROBERT BRACE FARMS (sdp) (Entered: 11/23/1993)
11/22/1993	49	NOTICE of Attorney Appearance for ROBERT BRACE, ROBERT BRACE FARMS by Susan M. Kircher (sdp) (Entered: 11/23/1993)
11/23/1993	50	SUPPLEMENTAL PRETRIAL STATEMENT by ROBERT BRACE, ROBERT BRACE FARMS including material facts, listing of witnesses, list of legal issues and list of exhibits. (sdp) (Entered: 11/26/1993)
11/29/1993	51	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW by Defs. parties of record. (sdp) (Entered: 11/29/1993)
12/02/1993	52	Non-Jury Trial concluded. Court Reporter: Virginia Pease. Def moves for partial judgment - DENIED. Pltf rests 12-1-93. Def rests 12-1-93. Trial begins 11-29-93 and concludes 12-2-93. Matter taken under advisement of court. (sdp) (Entered: 12/02/1993)
12/16/1993	53	Pretrial stipulation by USA, ROBERT BRACE, ROBERT BRACE FARMS (sdp) (Entered: 12/16/1993)
12/16/1993	54	Proposed Findings of Fact and Conclusions of Law by USA (sdp) (Entered: 12/16/1993)
12/17/1993	55	FINDINGS OF FACT AND CONCLUSIONS OF LAW. Judgment is entered in favor of the defs and against the pltf, U.S.A. (signed by Judge Glenn E. Mencer on 12/16/93) CM all parties of record. (sdp) (Entered: 12/17/1993)
12/17/1993		Case closed (sdp) (Entered: 12/17/1993)
02/14/1994	56	NOTICE OF APPEAL by USA from [55-1] findings of fact order dated 12-17-93 TPO issued. (sdp) (Entered: 02/15/1994)
02/15/1994		Certified copy of Notice of Appeal [56-1] appeal by USA , certified copy of docket, certified copy of order dated 12-17-93 mailed to USCA; copy of Notice of Appeal and

		information sheet to USA, ROBERT BRACE, ROBERT BRACE FARMS , court reporter(s), and judge. Copy of information sheet to appellant. (sdp) (Entered: 02/15/1994)
02/24/1994	57	Transcript Purchase order re: [56-1] appeal by USA. Transcript of entire trial ordered, dates of 11-25 thru 12-2. (sdp) (Entered: 02/28/1994)
02/25/1994		NOTICE of Docketing ROA from USCA Re: [56-1] appeal by USA USCA Number: 94-3076 (sdp) (Entered: 02/25/1994)
04/18/1994	58	NON JURY TRIAL TRANSCRIPT for dates of 11-29-93. Court Reporter: V. Pease. (sdp) (Entered: 04/20/1994)
04/18/1994	59	NON JURY TRIAL TRANSCRIPT for dates of 11-30-94. Court Reporter: V. Pease. (sdp) (Entered: 04/20/1994)
04/18/1994	60	NON JURY TRIAL TRANSCRIPT for dates of 12/1/93 and 12/2/93. Court Reporter: V. Pease. (sdp) (Entered: 04/20/1994)
04/22/1994		Record complete for Appeal purposes, certified copy of docket entries forwarded to USCA. (sdp) (Entered: 04/22/1994)
11/30/1994	61	Slip Opinion by U.S.C.A. (sdp) (Entered: 12/01/1994)
12/27/1994	62	Information sheet from USCA. A petition for rehearing on behalf of Appellees was filed on 12-20-94. (sdp) (Entered: 12/27/1994)
01/13/1995	63	Information sheet from USCA. An order was filed on 1-9-95 denying the petition for rehearing. (sdp) (Entered: 01/13/1995)
01/20/1995	64	Certified copy of JUDGMENT issued in lieu of a formal mandate received from USCA re: [56-1] appeal by USA. The judgment of the district court entered 12-17-93 is reversed and the cause is remanded to the district court to enter judgment in favor of the US and to assess upon further proceedings appropriate penalties for defs' violations of the epermit requirements, and to assess what, if any, penalties are appropriate for violations of the EPA admin. orders. Costs taxed against appellees in the amount of \$619.30. (sdp) (Entered: 01/20/1995)
01/20/1995	65	Slip Opinion by USCA. (sdp) (Entered: 01/20/1995)
01/20/1995		CASE reassigned to Judge Sean J. McLaughlin (sdp) (Entered: 01/20/1995)
01/23/1995		Case reopened (sdp) (Entered: 01/23/1995)
01/27/1995	66	Status Conference set for 11:00 2/23/95 (sdp) (Entered: 01/27/1995)
02/23/1995	67	Case Management Conference held before Judge Sean J. McLaughlin [Reporter: n/a]. Order entered. (sdp) (Entered: 02/23/1995)
02/23/1995	68	CASE MANAGEMENT ORDER setting Discovery cutoff on 6/23/95 ; Pretrial Statements for Plaintiffs due 7/21/95 ; Pretrial Statements for Defendants due 8/18/95 ; Motion Filing deadline due 9/15/95 ; Response to motions due 10/13/95 ; Non-Jury Trial set for 9:00

		9/25/95 ; (signed by Judge Sean J. McLaughlin on 2/23/95) CM all parties of record. (sdp) (Entered: 02/23/1995)
02/23/1995		CASE DESIGNATED to Track 1. (sdp) (Entered: 02/24/1995)
05/01/1995	69	Information sheet from USCA. A petition for writ of certiorari was filed on 4-10-95 in the Supreme Court as SC No. 94-1669. (sdp) (Entered: 05/01/1995)
05/23/1995	70	MOTION by ROBERT BRACE FARMS, ROBERT BRACE to Stay pretrial schedule with Proposed Order. (sdp) (Entered: 05/23/1995)
05/30/1995		ORDER upon motion granting [70-1] motion to Stay pretrial schedule pending disposition of Defs' Petition for Writ of Certiorari by the Supreme Court of the U.S. and further Order of this Court. (signed by Judge Sean J. McLaughlin on 5/26/95 CM all parties of record. (sdp) (Entered: 05/30/1995)
07/31/1995	71	Status Conference set for 1:30 10/2/95 (sdp) (Entered: 07/31/1995)
10/03/1995	72	Case Management Conference held before Judge Sean J. McLaughlin [Reporter: n/a] (sdp) (Entered: 10/03/1995)
10/05/1995	73	ORDER, set Discovery deadline to 2/2/96 , reset Plaintiffs Pretrial Statements deadline for 2/22/96 , reset Defendants Pretrial Statements deadline for 3/15/96 , reset Pretrial Conference for 2:00 4/22/96 . All other criterial from the case management order filed by this Court on 2-23-95 shall remain in effect. A brief on penalties on third circuit opinion to be filed by both parties before 4-3-96. (signed by Judge Sean J. McLaughlin on 10/5/95) CM all parties of record. (sdp) (Entered: 10/05/1995)
02/02/1996	74	MOTION by USA to Extend Time for discovery and other pretrial matters with Proposed Order. (sdp) (Entered: 02/02/1996)
02/06/1996		ORDER upon motion granting [74-1] motion to Extend Time for discovery and other pretrial matters, reset Discovery deadline to 4/5/96 , reset Plaintiffs Pretrial Statements deadline for 4/26/96 , reset Defendants Pretrial Statements deadline for 5/17/96 , set Pretrial Conference for 2:00 7/1/96 (signed by Judge Sean J. McLaughlin on 2/6/96) CM all parties of record. (sdp) (Entered: 02/06/1996)
03/28/1996	75	Hearing on Discovery held [Reporter: Ron Bench] Order entered. (sdp) (Entered: 03/29/1996)
03/28/1996	76	ORDER, reset Discovery deadline to 7/5/96 , reset Plaintiffs Pretrial Statements deadline for 7/26/96 , reset Defendants Pretrial Statements deadline for 8/19/96 (signed by Judge Sean J. McLaughlin on 3/28/96) CM all parties of record. (sdp) (Entered: 03/29/1996)
07/01/1996	77	Settlement Conference held before Judge Sean J. McLaughlin [Reporter: Ron Bench] (sdp) (Entered: 07/01/1996)
07/24/1996	78	NOTICE of Consent Decree by USA (mad) (Entered: 07/24/1996)
09/23/1996		ORDER upon motion granting [79-1] decree consent (signed by Judge Sean J. McLaughlin on 9/23/96) CM all parties of record. (sdp) (Entered: 09/24/1996)

09/24/1996	79	CONSENT DECREE by USA, ROBERT BRACE, ROBERT BRACE FARMS with proposed order. (sdp) (Entered: 09/24/1996)
09/24/1996		Case closed (sdp) (Entered: 09/24/1996)
09/24/1998	80	EXHIBIT RECEIPT returned exhibits to Defendants White note book 1-23 and Black Note Box DX-A to DX -113.. (nk) (Entered: 09/25/1998)
11/28/2001	81	Exhibit Receipt returned to U.S.A. signed by Marshall Piccinini on 11/28/01 (nk) (Entered: 11/29/2001)
01/09/2017	82	MOTION to Enforce Consent Decree <i>and for Stipulated Penalties</i> by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order) (Brown, Laura) (Entered: 01/09/2017)
01/09/2017	83	BRIEF in Support re 82 Motion to Enforce <i>Consent Decree and for Stipulated Penalties</i> filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15) (Brown, Laura) (Entered: 01/09/2017)
01/09/2017		Case Reassigned to Judge David S. Cercone. Chief Judge Sean J. McLaughlin no longer assigned to the case. (dm) (Entered: 01/09/2017)
01/10/2017	84	ORDER Response/Briefing Schedule re plaintiff's 82 Motion to Enforce Consent Decree and for Stipulated Penalties. Defendants' Response and Brief in Opposition due by 2/10/2017. Signed by Judge David S. Cercone on 1/10/17. (njt) (Entered: 01/10/2017)
01/11/2017		Case Reassigned to Judge Barbara Rothstein. Judge David S. Cercone no longer assigned to the case. (dm) (Entered: 01/11/2017)
01/11/2017	85	ORDER - this case having been reassigned to Judge Barbara Rothstein, IT IS ORDERED that 84 the Response/Briefing Order of 1/10/17 entered by this member of the court is vacated. Signed by Judge David S. Cercone on 1/11/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (mwm) (Entered: 01/11/2017)
01/13/2017	86	NOTICE of Appearance by Paul E. Skirtich on behalf of UNITED STATES OF AMERICA. (Skirtich, Paul) (Entered: 01/13/2017)
01/16/2017	87	NOTICE of Appearance by Neal R. Devlin on behalf of ROBERT BRACE, ROBERT BRACE FARMS. (Devlin, Neal) (Entered: 01/16/2017)
01/16/2017	88	NOTICE of Appearance by Alexander K. Cox on behalf of ROBERT BRACE, ROBERT BRACE FARMS. (Cox, Alexander) (Entered: 01/16/2017)
01/16/2017	89	Joint MOTION to Continue <i>Deadlines</i> by ROBERT BRACE, ROBERT BRACE FARMS. (Attachments: # 1 Proposed Order) (Devlin, Neal) (Entered: 01/16/2017)
01/20/2017	90	MOTION for attorney Lawrence A. Kogan to Appear Pro Hac Vice, (Filing fee \$40, Receipt # 0315-4215173) by ROBERT BRACE, ROBERT BRACE FARMS. (Attachments:

		# 1 Exhibit A - Affidavit of Lawrence A. Kogan, # 2 Proposed Order) (Devlin, Neal) (Entered: 01/20/2017)
01/23/2017		CLERK'S OFFICE QUALITY CONTROL MESSAGE re 90 Motion to Appear Pro Hac Vice. ERROR: Filing attorney not the attorney requesting pro hac vice admission. CORRECTION: See LCvR 83.2(B) PRO HAC VICE ADMISSIONS. A motion for admission pro hac vice must be made by the attorney seeking to be admitted (using their own ECF login info) and must be accompanied by an affidavit from the attorney seeking to be admitted pro hac vice along with a Certificate of Good Standing from the Court where they primarily practice. Attorney seeking admission is advised to sign and submit a new document using ERRATA event (so as to avoid repaying the filing fee), link filing to the previously filed motion and attach a proposed order. (dm) (Entered: 01/23/2017)
01/23/2017	91	ORDER granting 89 Motion to Continue. Upon consideration of the Parties Joint Motion to Continue Deadlines, it is hereby ORDERED that the Motion is GRANTED and the briefing deadlines regarding Plaintiffs Motion to Enforce are set as follows: Defendants Opposition shall be filed on or before February 15, 2017. Plaintiffs Reply shall be filed on or before March 8, 2017. Signed by Judge Barbara Rothstein on 1/23/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jds) (Entered: 01/23/2017)
01/24/2017	92	NOTICE of Appearance by Brian S. Uholik on behalf of UNITED STATES OF AMERICA. (Uholik, Brian) (Entered: 01/24/2017)
02/01/2017	93	MOTION to Continue <i>Deadlines to Allow for Completion of ADR in Related Case, Including Request for Expedited Treatment of This Motion</i> by ROBERT BRACE, ROBERT BRACE FARMS. (Attachments: # 1 Proposed Order) (Devlin, Neal) (Entered: 02/01/2017)
02/02/2017	94	TEXT ORDER re 93 Motion to Continue Deadlines to Allow for Completion of ADR in Related Case filed by ROBERT BRACE and ROBERT BRACE FARMS. Response to this Motion due by 2/6/2017. Further Ordered, a Status Conference and Argument (in person) Re: ADR and Consent to Magistrate Judge is set for 2/8/2017 at 09:30 AM, before Judge Arthur J. Schwab, Courtroom 7C, Pittsburgh, PA. Signed by Judge Arthur J. Schwab on 2/2/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lck) (Entered: 02/02/2017)
02/06/2017	95	RESPONSE to Motion re 93 MOTION to Continue <i>Deadlines to Allow for Completion of ADR in Related Case, Including Request for Expedited Treatment of This Motion</i> filed by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5) (Uholik, Brian) (Entered: 02/06/2017)
02/08/2017	96	Minute Entry for proceedings held before Judge Arthur J. Schwab: Status Conference held on 2/8/2017. (Court Reporter: Sandra Wenger Goffe) (lck) (Entered: 02/08/2017)
02/08/2017	97	ORDER granting in part and denying in part 93 Motion to Continue. See Order for complete details. Signed by Judge Arthur J. Schwab on 2/8/17. (lck) (Entered: 02/08/2017)

02/14/2017	98	CONSENT to Trial/Jurisdiction by US Magistrate Judge by UNITED STATES OF AMERICA ROBERT BRACE AND ROBERT BRACE FARMS (Skirtich, Paul) Modified on 2/15/2017. (dm) (Entered: 02/14/2017)
02/15/2017	99	STIPULATION selecting ADR process by UNITED STATES OF AMERICA. (Brown, Laura) (Entered: 02/15/2017)
02/16/2017	100	Errata re 90 Motion to Appear Pro Hac Vice, by ROBERT BRACE, ROBERT BRACE FARMS. Reason for Correction: Included a Certificate of Good Standing and Filed by Sdmitting Attorney. (Attachments: # 1 Exhibit A, # 2 Exhibit B) (Kogan, Lawrence) (Entered: 02/16/2017)
02/17/2017		Case Reassigned to Magistrate Judge Susan Paradise Baxter. Judge Barbara Rothstein no longer assigned to the case. (dm) (Entered: 02/17/2017)
02/21/2017	101	RESPONSE IN OPPOSITION to 82 Motion to Enforce, filed by ROBERT BRACE, ROBERT BRACE FARMS. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I) (Devlin, Neal) (Entered: 02/21/2017)
02/28/2017	102	REPLY BRIEF <i>Initial Reply Brief in Support of Motion to Enforce</i> filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4) (Uholik, Brian) (Entered: 02/28/2017)
03/02/2017	103	ORDER REFERRING CASE to Mediation. David Cook is appointed as mediator. Party DAVID COOK added. Signed by Magistrate Judge Susan Paradise Baxter on 3/2/17. (lrw) (Entered: 03/02/2017)
03/03/2017	104	Notice of Mediation by UNITED STATES OF AMERICA. Mediation Date 3/8/2017 9:00 am (Brown, Laura) (Entered: 03/03/2017)
03/07/2017	105	Joint MOTION for Protective Order by ROBERT BRACE, ROBERT BRACE FARMS. (Attachments: # 1 Proposed Order) (Devlin, Neal) (Entered: 03/07/2017)
03/07/2017	106	TEXT ORDER granting 90 Motion for Lawrence A. Kogan to Appear Pro Hac Vice. Signed by Magistrate Judge Susan Paradise Baxter on 3/7/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lrw) (Entered: 03/07/2017)
03/07/2017	107	ORDER granting 105 Motion for Protective Order. Signed by Magistrate Judge Susan Paradise Baxter on 3/7/17. (lrw) (Entered: 03/07/2017)
03/09/2017	108	TEXT ORDER, Status Conference via telephone set for 4/7/2017 at 11:00 AM before Magistrate Judge Susan Paradise Baxter. Counsel for Plaintiffs is directed to make arrangements for all parties to participate by conference call on the above date and time. Signed by Magistrate Judge Susan Paradise Baxter on 3/9/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lrw) (Entered: 03/09/2017)

03/13/2017	110	REPORT of Mediation: Case has not been resolved. The parties are reminded of their obligation to complete the ADR questionnaire and submit within 5 days of the conclusion of the ADR process. The questionnaire can be accessed at www.pawd.uscourts.gov. Click on the ADR icon. Mediation session was held on 3/8/2017. (Brown, Laura) (Entered: 03/13/2017)
03/14/2017	111	TEXT ORDER Response/Briefing Schedule re 109 Motion for Sanctions: Response to Motion due by 3/28/2017. Signed by Magistrate Judge Susan Paradise Baxter on 3/14/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lrw) (Entered: 03/14/2017)
03/27/2017	112	Joint MOTION for Leave to File Documents Under Seal <i>Certain Settlement Confidential Information</i> by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order) (Brown, Laura) (Entered: 03/27/2017)
03/27/2017	113	Partial MOTION to Seal Document 109 MOTION for Sanctions <i>Regarding Plaintiffs' Failure to Comply with Court Order and Applicable ADR Policies and Procedures and Motion for Leave to File Under Seal Portions of the Parties' Mediation Process Agreement</i> by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Proposed Order) (Brown, Laura) (Entered: 03/27/2017)
03/28/2017	114	BRIEF in Opposition re 109 Motion for Sanctions <i>Redacted</i> filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C) (Brown, Laura) (Entered: 03/28/2017)
03/30/2017	115	RESPONSE to Motion re 113 Partial MOTION to Seal Document 109 MOTION for Sanctions <i>Regarding Plaintiffs' Failure to Comply with Court Order and Applicable ADR Policies and Procedures</i> and Motion for Leave to File Under Seal Portions of the Parties' Mediation Process Agreement, filed by ROBERT BRACE, ROBERT BRACE FARMS. (Devlin, Neal) (Entered: 03/30/2017)
03/31/2017	116	TEXT ORDER granting 112 MOTION for Leave to File Documents Under Seal. After receiving notice of the order of court, you must provide the sealed document to the Clerk of Courts both on paper and on disk, in pdf format. In the alternative, you may contact the Intake Section and make arrangements to email the pdf to the Clerk of Courts. The sealed version of the document WILL NOT be docketed by the Clerk of Court until the party electronically files the redacted version of the documents (using Redacted Document event located under Other Documents), unless otherwise ordered by the Court. You would be required to serve the sealed document on counsel using traditional service methods. Document Sealed Permanently. Signed by Magistrate Judge Susan Paradise Baxter on 3/31/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lrw) (Entered: 03/31/2017)
03/31/2017	117	TEXT ORDER granting 113 Motion to Seal Document. 109 MOTION for Sanctions <i>Regarding Plaintiffs' Failure to Comply with Court Order and Applicable ADR Policies and Procedures</i> SEALED. Decision to Unseal Document deferred. Signed by

		Magistrate Judge Susan Paradise Baxter on 3/31/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lrw) (Entered: 03/31/2017)
04/03/2017	118	MOTION to Set a Briefing Schedule by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order) (Uholik, Brian) (Entered: 04/03/2017)
04/03/2017	119	Errata re 115 Response to Motion, 113 Motion to Seal Document, by ROBERT BRACE, ROBERT BRACE FARMS. Reason for Correction: Filing error. (Attachments: # 1 Exhibit B, # 2 Exhibit C-1, # 3 Exhibit C-2, # 4 Exhibit D-1, # 5 Exhibit D-2, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H-1, # 10 Exhibit H-2, # 11 Exhibit I, # 12 Exhibit J, # 13 Exhibit K, # 14 Proposed Order) (Devlin, Neal) (Entered: 04/03/2017)
04/04/2017	120	SEALED DOCUMENT (Appendix in Support) by UNITED STATES OF AMERICA. This document Sealed pursuant to 116 Order on Motion for Leave to File Documents Under Seal. (dm) (Entered: 04/04/2017)
04/04/2017	121	SEALED DOCUMENT (Opposition to Motion for Sanctions) by UNITED STATES OF AMERICA. This document Sealed pursuant to 117 Order on Motion to Seal Document. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10) (dm) (Entered: 04/04/2017)
04/04/2017	122	SEALED DOCUMENT (Errata) by ROBERT BRACE, ROBERT BRACE FARMS. (Attachments: # 1 Exhibit A-1, # 2 Exhibit B, # 3 Exhibit C-1, # 4 Exhibit C-2, # 5 Exhibit D, # 6 Exhibit D-2, # 7 Exhibit E, # 8 Exhibit F, # 9 Exhibit G, # 10 Exhibit H-1, # 11 Exhibit H-2, # 12 Exhibit I, # 13 Exhibit J, # 14 Exhibit K) (dm) (Entered: 04/04/2017)
04/04/2017	123	Errata re 119 Errata, <i>Proposed Order</i> by ROBERT BRACE, ROBERT BRACE FARMS. Reason for Correction: Typographical Error. (Devlin, Neal) (Entered: 04/04/2017)
04/05/2017	124	Errata re 119 Errata, <i>Exhibits L and M</i> by ROBERT BRACE, ROBERT BRACE FARMS. Reason for Correction: Inadvertently omitted Exhibits L and M. (Attachments: # 1 Exhibit M) (Devlin, Neal) (Entered: 04/05/2017)
04/05/2017	125	RESPONSE IN OPPOSITION to <i>Defendants' Motion to Unseal</i> filed by UNITED STATES OF AMERICA. (Brown, Laura) (Entered: 04/05/2017)
04/06/2017	126	RESPONSE to Motion re 118 MOTION to Set a Briefing Schedule filed by ROBERT BRACE, ROBERT BRACE FARMS. (Attachments: # 1 Proposed Order) (Devlin, Neal) (Entered: 04/06/2017)
04/07/2017	127	ORDER: Pursuant to the Alternative Dispute Resolution Policies and Procedures, § 2.4, IT IS HEREBY ORDERED that the Motion for Sanctions Regarding Plaintiffs Failure to Comply with Court Order and Applicable ADR Policies and Procedures 109 be referred to a judicial officer of the ADR Committee. Signed by Magistrate Judge Susan Paradise Baxter on 4/7/17. (lrw) (Entered: 04/07/2017)
04/07/2017	128	Minute Entry for proceedings held before Magistrate Judge Susan Paradise Baxter: Status Conference held on 4/7/2017. (Court Reporter: Ron Bench) (lrw) (Entered: 04/07/2017)

04/07/2017	129	NOTICE of Appearance by Kenneth C. Amaditz on behalf of UNITED STATES OF AMERICA. (Amaditz, Kenneth) (Entered: 04/07/2017)
04/13/2017	130	MOTION for Leave to File to File Reply Brief in Support of Motion to Unseal by ROBERT BRACE, ROBERT BRACE FARMS. (Attachments: # 1 Proposed Order, # 2 Certificate of Service) (Devlin, Neal) (Entered: 04/13/2017)
04/13/2017	131	MOTION for Leave to File Reply Brief in Support of Motion for Sanctions by ROBERT BRACE, ROBERT BRACE FARMS. (Attachments: # 1 Proposed Order, # 2 Certificate of Service) (Devlin, Neal) (Entered: 04/13/2017)
04/18/2017	132	TEXT ORDER REFERRING MOTION: 109 MOTION for Sanctions Regarding Plaintiffs' Failure to Comply with Court Order and Applicable ADR Policies and Procedures filed by ROBERT BRACE, ROBERT BRACE FARMS; Motion referred to Judge Mark R. Hornak. Signed by Magistrate Judge Susan Paradise Baxter on 4/18/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lrw) (Entered: 04/18/2017)
04/20/2017	133	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Conference Proceedings held on 4/7/2017 before Judge Susan Paradise Baxter. Court Reporter/Transcriber Ronald Bench, Telephone number 814-464-9613. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely, electronically available to the public without redaction after 90 calendar days. For redaction purposes, or otherwise, during this 90 day period a copy of the transcript may be purchased from the court reporter/transcriber or viewed at the clerk's office public terminal. Any Notice of Intent to Request Redaction and Redaction Request must be separately mailed to the court reporter of said proceedings. Notice of Intent for Redaction of Personal Data Identifiers due by 4/27/2017. Redaction Request due 5/11/2017. Redacted Transcript Deadline set for 5/22/2017. Release of Transcript Restriction set for 7/19/2017. (dm) (Entered: 04/20/2017)
04/21/2017	134	RESPONSE IN OPPOSITION to <i>Defendants' Motion For Leave to File Reply Brief in Support of Motion to Unseal</i> filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A) (Brown, Laura) (Entered: 04/21/2017)
04/21/2017	135	RESPONSE IN OPPOSITION to 131 Motion for Leave to File, filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A) (Brown, Laura) (Entered: 04/21/2017)
04/24/2017	136	NOTICE of <i>Withdraw of Appearance</i> by ROBERT BRACE, ROBERT BRACE FARMS (Braver, Samuel) (Entered: 04/24/2017)
04/27/2017	137	ORDER REFERRING CASE to Magistrate Judge Robert C. Mitchell for settlement purposes only. Signed by Magistrate Judge Susan Paradise Baxter on 4/27/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dm) (Entered: 04/27/2017)
05/08/2017	138	NOTICE of Hearing: Settlement Conference set for 5/31/2017 09:30 AM before Magistrate Judge Robert C. Mitchell. (spc) (Entered: 05/08/2017)

05/10/2017	139	ORDER Regarding Consideration and Disposition of Motion for ADR Sanctions and related matters. In light of the pending settlement conference set with Hon. Robert C. Mitchell for May 31, 2017, the undersigned will remain referred on the case for the consideration and disposition of such matters, but will defer further action in such regards pending the conduct and outcome of that settlement conference. This Order is entered with the consent of Judges Baxter and Mitchell. Signed by Judge Mark R. Hornak on 05/10/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (Hornak, Mark) (Entered: 05/10/2017)
05/30/2017	140	NOTICE of Appearance by Chloe H. Kolman on behalf of UNITED STATES OF AMERICA. (Kolman, Chloe) (Entered: 05/30/2017)
05/31/2017		Minute Entry for proceedings held before Magistrate Judge Robert C. Mitchell: Settlement Conference held on 5/31/2017 unsuccessful. (Court Reporter: none) Text-only entry; no PDF document will issue. This text-only entry constitutes a Minute of the Court or Notice on the matter. (awb) (Entered: 05/31/2017)
06/02/2017	141	ORDER Regarding Sealed Motion for Sanctions 109 . This member of the Court has had referred to him the Defendant's Motion for ADR Sanctions, which was filed under seal. Since that filing, a judicial settlement conference was held before the Hon. Robert C. Mitchell. This member of the Court deferred further consideration of 109 in light of that conference. On or before June 9, 2017, counsel for the Defendant shall file a notice as to whether in light of the occurrence of the intervening settlement conference, the Motion at 109 should be considered by the undersigned as remaining pending. If so, that notice should also then set forth with specificity the precise remedy being sought as to such matters. Signed by Judge Mark R. Hornak on 06/02/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (Hornak, Mark) (Entered: 06/02/2017)
06/06/2017	142	TEXT ORDER REFERRING MOTION: 109 MOTION for Sanctions Regarding Plaintiffs' Failure to Comply with Court Order and Applicable ADR Policies and Procedures filed by ROBERT BRACE, ROBERT BRACE FARMS: Motion referred to Mark R. Hornak. Signed by Magistrate Judge Susan Paradise Baxter on 6/6/17. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lrw) (Entered: 06/06/2017)
06/09/2017	143	NOTICE <i>Indicating that Motion for Sanctions (ECF No. 109) should be Considered as Remaining Pending</i> by ROBERT BRACE, ROBERT BRACE FARMS re 141 Order. (Devlin, Neal) Modified on 6/13/2017. (tt) (Entered: 06/09/2017)
06/10/2017	144	REPLY BRIEF re 118 Motion to Set Briefing Schedule filed by UNITED STATES OF AMERICA. (Uholik, Brian) Modified on 6/12/2017. (dm) (Entered: 06/10/2017)
06/14/2017	145	MOTION FOR STATUS CONFERENCE OR, IN THE ALTERNATIVE, LEAVE TO FILE SUR-REPLY BRIEF by ROBERT BRACE, ROBERT BRACE FARMS. (Attachments: # 1 Proposed Order) (Cox, Alexander). Added MOTION for Leave to File Sur-Reply Brief on 6/15/2017 (dm). (Entered: 06/14/2017)

06/15/2017	146	ORDER that Motion to Set a Briefing Order 118 is GRANTED and the Motion for Status Conference or, in the alternative, Leave to File Sur-Reply Brief 145 is DENIED. IT IS FURTHER ORDERED that because the motion to enforce 82 effectively re-opens this case and because this cannot be decided until after discovery and additional briefing, the motion will be dismissed without prejudice to be refiled following discovery. All discovery (including both factual and expert discovery, as well as depositions of both) shall be concluded by November 30, 2017. Following discovery, the motion to enforce may be refiled by December 20, 2017. An opposition may be filed by January 19, 2018, and a reply may be filed by February 9, 2018. Because these deadlines are generous, any motions for extension of time will be viewed critically by the Court. Signed by Magistrate Judge Susan Paradise Baxter on 6/15/17. (lrw) (Entered: 06/15/2017)
06/22/2017	147	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on May 26, 2017 before Judge Robert C. Mitchell, Maigstrate Judge. Sandra Wenger Goffe, Official Court Reporter, Telephone number 412-261-6254. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely, electronically available to the public without redaction after 90 calendar days. For redaction purposes, or otherwise, during this 90 day period a copy of the transcript may be purchased from the court reporter or viewed at the clerk's office public terminal. Any Notice of Intent to Request Redaction and Redaction Request must be separately mailed to the court reporter of said proceedings. Notice of Intent for Redaction of Personal Data Identifiers due by 6/29/2017. Redaction Request due 7/13/2017. Redacted Transcript Deadline set for 7/24/2017. Release of Transcript Restriction set for 9/20/2017. (sw) (Entered: 06/22/2017)
06/22/2017	148	MOTION for Leave to File Response to Defendants' Notice Indicating that Motion for Sanctions (ECF No. 109) Should be Considered as Remaining Pending by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order, # 2 Exhibit 1) (Uholik, Brian) (Entered: 06/22/2017)
06/28/2017	149	RESPONSE IN OPPOSITION to 148 Motion for Leave to File, filed by ROBERT BRACE, ROBERT BRACE FARMS. (Devlin, Neal) (Entered: 06/28/2017)
06/30/2017	150	ORDER GRANTING 148 Motion for Leave to File Response to Defendants' Notice Indicating that 109 Motion for Sanctions Should be Considered as Remaining Pending. The Court shall treat Exhibit 1 to Plaintiff's motion, already filed with this Court, as Plaintiff's Response to Defendants' Notice Indicating that 109 Motion for Sanctions Should be Considered as Remaining Pending. Signed by Judge Mark R. Hornak on 6/30/17. (bdb) (Entered: 06/30/2017)
06/30/2017	151	ORDER denying 130 Motion for Leave to File Reply Brief. The Motion is denied without prejudice. The one thing that this member of the Court can discern for sure is that the record relative to the Defendant's Motion for ADR Sanctions does not reveal any shortage of briefs. The undersigned will first sort out where the record stands before calling or needing more briefing. Signed by Judge Mark R. Hornak on 06/30/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (Hornak, Mark) (Entered: 06/30/2017)

06/30/2017	152	ORDER denying 131 Motion for Leave to File Reply Brief. This Motion is denied as being duplicative to the Motion filed at 130 , and for the reasons set forth in the Order at 151 . Signed by Judge Mark R. Hornak on 06/30/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (Hornak, Mark) (Entered: 06/30/2017)
06/30/2017	153	ORDER Regarding the Filing of Certain Documents. The undersigned has been randomly assigned to address and resolve the pending Motion for ADR Sanctions. The filings of the parties in such regards are extensive and seemingly overlapping and likely repetitive. It appears to the Court that a relevant document(s) is/are what the parties have denominated as "Mediation Process Agreement(s)". The Court cannot tell for sure how many there are, and where they are in the record, so we'll reboot that matter. The lawyers are also tussling over what was, should have been, and should not have been filed under seal. In order to assist the Court in unravelling all of that, counsel for the Plaintiff shall file, under seal and without redaction, true and correct copies of the documents that are the "Mediation Process Agreement(s)" applicable to the ADR proceedings conducted in this case, and shall do so on or before July 11, 2017. Signed by Judge Mark R. Hornak on 06/30/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (Hornak, Mark) (Entered: 06/30/2017)
06/30/2017	154	NOTICE of Filing Mediation Process Agreement Under Seal by UNITED STATES OF AMERICA (Attachments: # 1 Exhibit 1) (Brown, Laura) (Entered: 06/30/2017)
06/30/2017	155	SEALED DOCUMENT (Mediation Process Agreement) by UNITED STATES OF AMERICA. This document Sealed pursuant to 153 Order. (dm) (Entered: 06/30/2017)
07/07/2017	156	NOTICE of Filing of Administrative Claims Against the United States by ROBERT BRACE, ROBERT BRACE FARMS (Attachments: # 1 Exhibit A) (Devlin, Neal) (Entered: 07/07/2017)