

Exhibit 18

From: lkogan@koganlawgroup.com
To: [Uholik, Brian \(ENRD\)](#); [Brown, Laura J.S. \(ENRD\)](#); [Cox, Alexander K. Buckley, Sarah \(ENRD\)](#); [Kolman, Chloe \(ENRD\)](#); [Devlin, Neal](#)
Subject: RE: Next week"s depositions
Date: Friday, January 5, 2018 6:40:54 PM

Brian,

Ad hominem attacks against the Government at-large?

How is that even possible?

Are you kidding?

Will you next allege harassment and racial or gender-based discrimination?

If I have hurt your feelings, I guess, then, the truth hurts...

Larry

----- Original Message -----

Subject: RE: Next week's depositions

From: "Uholik, Brian (ENRD)" <Brian.Uholik@usdoj.gov>

Date: 1/5/18 6:03 pm

To: "lkogan@koganlawgroup.com" <lkogan@koganlawgroup.com>, "Brown, Laura J.S. (ENRD)" <Laura.J.S.Brown@usdoj.gov>, "Cox, Alexander K." <acox@kmgslaw.com>

Cc: "Buckley, Sarah (ENRD)" <Sarah.Buckley@usdoj.gov>, "Kolman, Chloe (ENRD)" <Chloe.Kolman@usdoj.gov>, "Devlin, Neal" <ndevlin@kmgslaw.com>

Larry:

Thanks for your email.

The United States takes your response as a rejection of its offer to move Robert Brace's deposition to Tuesday, January 9th, and Randall Brace's deposition to Wednesday, January 10th, in an effort to accommodate your clients. Parties have the absolute right to schedule their depositions, subject to witness availability. As your clients are available on the noticed dates and times, the United States need not file a motion to compel their attendance. If those witnesses fail to appear as directed, either the witnesses themselves and/or their counsel may be subject to FRCP 37(d) sanctions.

Additionally, we will oppose any motion requesting an extension of the discovery deadlines in either the '90 or the '17 action.

We do not see a need to discuss this nor entertain your *ad hominem* attacks any further.

Kindest Regards,

Brian

BRIAN S. UHOLIK

UNITED STATES DEPARTMENT OF JUSTICE

ENVIRONMENT & NATURAL RESOURCES DIVISION

ENVIRONMENTAL DEFENSE SECTION

BRIAN.UHOLIK@USDOJ.GOV

PHONE: (202) 305-0733

FAX: (202) 514-8865

U.S. MAIL:

P.O. Box 7611

WASHINGTON, DC 20044-7611

OVERNIGHT & HAND DELIVERY ONLY:

601 D St. NW

SUITE 8000

WASHINGTON, DC 20004

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From: lkogan@koganlawgroup.com [mailto:lkogan@koganlawgroup.com]
Sent: Friday, January 05, 2018 5:34 PM
To: Brown, Laura J.S. (ENRD) <LBrown@ENRD.USDOJ.GOV>; Cox, Alexander K. <acox@kmgslaw.com>
Cc: Uholik, Brian (ENRD) <BUholik@ENRD.USDOJ.GOV>; Buckley, Sarah (ENRD) <SBuckley@ENRD.USDOJ.GOV>; Kolman, Chloe (ENRD) <CKolman@ENRD.USDOJ.GOV>; Devlin, Neal <ndevlin@kmgslaw.com>
Subject: RE: Next week's depositions

Laura,

As we said before, there will be NO simultaneous depositions, as you have no credible basis to ask for them. You are free to move the court over our opposition.

We will move the court over your opposition for an extension of time of 20 business days, especially since the extension of time you granted us until the end of January, which was subsequently approved by the Court, **was of the Government's own making**.

Indeed, but for the Government obstruction of the discovery process in October, with the Government's baseless motion for a protective order seeking to curtail discovery of materially relevant pre-2012 subject matter information and testimony, discovery would likely already have been completed within the original discovery order's timeframe.

But, we now see the true intent of that motion for a protective order - to provide enough time for Government experts to prepare three detailed and highly technically complex reports which could be and were, in fact, produced and deposited at Mr. Brace's doorstep at the last possible moment just before the onset of two weeks of back-to-back federal holidays.

Not a bad strategy given the Government's apparent need to gain a tactical advantage over Mr. Brace by now denying him his constitutional right to due process of law, i.e., his right to hire/retain scientific experts capable of refuting the Government bomb of expert reports.

We doubt the Court will be positively entertained by the notion that the Government

has, once again, 'gamed' the justice system in its favor and to the prejudice of American taxpayers, in this case, Mr. Brace and his family, whose annual tax remittances, partially pay DOJ attorney salaries, including your own.

Having worked on Washington, D.C. matters for at least 15 years, I know very well that it is quite difficult, if not impossible, to get a hold of people in that city, except for holiday parties, beginning with the week before the two weeks of holidays. Government personnel are among those first out the door on vacation during that time of the year.

And you reasonably and realistically expect Mr. Brace's experts residing and conducting business outside the State of Pennsylvania, each small business enterprises, to be readily available during that time of the year for discovery purposes just because it happens to be the Government that is calling?

Is that fair and equitable treatment under the law?

Is that what the U.S. Department of Justice, in this day and age, has reduced itself to?

Larry

----- Original Message -----

Subject: RE: Next week's depositions
From: "Brown, Laura J.S. (ENRD)" <Laura.J.S.Brown@usdoj.gov>
Date: 1/5/18 4:59 pm
To: "Cox, Alexander K." <acox@kmgslaw.com>, "lkogan@koganlawgroup.com" <lkogan@koganlawgroup.com>
Cc: "Uholik, Brian (ENRD)" <Brian.Uholik@usdoj.gov>, "Buckley, Sarah (ENRD)" <Sarah.Buckley@usdoj.gov>, "Kolman, Chloe (ENRD)" <Chloe.Kolman@usdoj.gov>, "Devlin, Neal" <ndevlin@kmgslaw.com>

Alex and Larry:

Please respond to my earlier proposal that we move Mr. Brace's deposition to Tuesday, move Randall Brace's deposition to Wednesday, Ronald's deposition will remain on Thursday and Beverly and Rhonda will remain on Friday (simultaneously). In this situation, which we are offering as compromise, Mr. Brace