

**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’ RESPONSE TO DEFENDANTS’
MOTION FOR STATUS CONFERENCE**

Plaintiff United States hereby responds to Defendants Robert Brace and Robert Brace Farms’ (“Defendants”) Motion for Status Conference, ECF No. 188, as follows:

1. The United States noticed seven depositions for Defendants and their officers on November 15-17, 2017, the only days Defendants were willing to make their witnesses available during the discovery period.
2. On November 8, 2017, the parties agreed that all seven depositions will now take place on November 16-17, 2017, in Erie.
3. Counsel for the United States have now secured travel arrangements and will be traveling to Erie by car on November 15, 2017, and will not be available for an in-person status conference while in transit.
4. On November 7, 2017, Defendants’ counsel contacted the United States seeking consent to file a motion for an in-person status conference to take place during the dates

scheduled for the noticed depositions and/or to file a sur-reply regarding the pending discovery motions. *See* Exhibit A (attached hereto).

5. The United States declined to join or consent to Defendants' motion, noting: (a) that counsel for the United States would not be available for a status conference on the days depositions were scheduled; (b) that the United States had already requested oral argument regarding its Motion for a Protective Order, *see* ECF No. 169 at 1 n.1, and that the Court would have granted this request if it believed such argument was necessary or helpful; and (c) that the United States did not believe additional briefing was necessary, appropriate, or contemplated by this Court's procedures. *See* Exhibit A.

6. After failing to make their witnesses available on any other dates, Defendants now seek to hold a status conference during the only time available for the United States to conduct its seven depositions. In doing so, Defendants assert that a status conference is necessary for the following three reasons: (a) to discuss "the current status of discovery"; (b) to discuss "the potential for an extension of discovery"; and (c) "to respond to any questions the Court may have regarding the issues raised in the pending motions and responses." ECF No. 188, ¶ 7.

7. Although the United States does not believe a status conference is necessary merely to discuss "the current status of discovery," counsel for the United States will be available by phone on November 9, 13, and 14, should this Court find otherwise.

8. Defendants have not filed a motion for an extension of discovery, hence a status conference to discuss any such extension is premature and unnecessary.

9. As the United States alluded to in its response to Defendants' request, the Court is more than capable of determining what, if any, "questions [it] may have regarding the issues

raised in the pending motions and responses” on its own and granting the United States’ request for oral argument or ordering the parties to appear before it *sua sponte*. Consequently, to the extent Defendants’ motion is predicated on this rationale, such a request is duplicative and unnecessary.

10. For the reasons set forth above, the United States respectfully requests that the Court deny Defendants’ Motion for a Status Conference, ECF No. 188.

Respectfully submitted,

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Dated: November 8, 2017

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2017, I served the foregoing United States' Response to Defendants' Motion for Status Conference on the following counsel for Defendants via ECF:

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