

**U.S. District Court
Western District of Pennsylvania (Erie)
CIVIL DOCKET FOR CASE #: 1:17-cv-00006-BR**

UNITED STATES OF AMERICA v. BRACE et al
Assigned to: Judge Barbara Rothstein
Cause: 33:1319 Clean Water Act

Date Filed: 01/09/2017
Jury Demand: None
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.

Defendant

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Defendant

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Defendant

**ROBERT BRACE AND SONS,
INC.**

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/09/2017	<u>1</u>	COMPLAINT against All Defendants, filed by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Civil Cover Sheet) (sdp) (Entered: 01/09/2017)
01/11/2017	<u>2</u>	The instant civil action has been designated for placement into the United States District Court for the Western District of Pennsylvania's Alternative Dispute Resolution (ADR) program. For further information, parties should refer to Local Rule 16.2 and the Courts ADR Policies and Procedures, which can be accessed at the Courts website at www.pawd.uscourts.gov . Counsel for plaintiff (or in the case of a removal action, counsel for removing defendant) shall make service of this notice on all parties. The attorneys of record and all unrepresented parties that appear in this case are reminded that they are jointly responsible for submitting to the Court a stipulation of selecting an ADR process (pursuant to Revised Local Rule 16.2) as directed by the Court (nk) (Entered: 01/11/2017)
01/13/2017	<u>3</u>	NOTICE of Appearance by Paul E. Skirtich on behalf of UNITED STATES OF AMERICA. (Skirtich, Paul) (Entered: 01/13/2017)
01/24/2017	<u>4</u>	NOTICE of Appearance by Brian S. Uholik on behalf of UNITED STATES OF AMERICA. (Uholik, Brian) (Entered: 01/24/2017)
01/25/2017	<u>5</u>	WAIVER OF SERVICE Returned Executed by UNITED STATES OF AMERICA. ROBERT BRACE waiver sent on 1/10/2017, answer due 3/13/2017; ROBERT BRACE AND SONS, INC. waiver sent on 1/10/2017, answer due 3/13/2017; ROBERT BRACE FARMS, INC. waiver sent on 1/10/2017, answer due 3/13/2017. (Brown, Laura) (Entered: 01/25/2017)
02/09/2017	<u>6</u>	Errata re <u>1</u> Complaint <i>Corrected Exhibit A to Complaint</i> by UNITED STATES OF AMERICA. Reason for Correction: Correcting Exhibit A to the Complaint. (Brown, Laura) (Entered: 02/09/2017)
02/15/2017	<u>7</u>	ANSWER to <u>1</u> Complaint by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Devlin, Neal) (Entered: 02/15/2017)
02/16/2017	<u>8</u>	STIPULATION selecting ADR process by UNITED STATES OF AMERICA. (Brown, Laura) (Entered: 02/16/2017)

02/27/2017	9	STANDING ORDER of procedures that are to be followed in civil cases assigned to this Court. These practice standards supplement the Federal Rules of Civil Procedure and Local Rules of the United States District Court for the Western District of Pennsylvania. In the event there is an inconsistency between the Local Rules and these practice standards, the terms of this Order control. The terms of this Order shall apply to all pleadings and hearings pertaining to cases assigned to Judge Rothstein and shall have the force and effect of orders of the Court from this date forward. If the case was previously assigned to a different District Judge, these practice standards replace those that previously controlled, but only as to pleadings and hearings from this date forward. Signed by Judge Barbara Rothstein on 2/27/2017. (nk) (Entered: 02/27/2017)
02/27/2017	10	Parties are hereby ORDERED to meet and confer to discuss case management issues in compliance with Federal Rule of Civil Procedure 26(f). As described in Section 4 of the Standing Order, Parties must file a Rule 26(f) Meet and Confer Report. The Rule 26(f) report is due by April 27, 2017. Signed by Judge Barbara Rothstein on 2/27/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (nk) (Entered: 02/27/2017)
02/27/2017	11	ORDER REFERRING CASE to Mediation. David Cook is appointed as mediator. Signed by Judge Arthur J. Schwab on 2/27/2017. (nk) (Main Document 11 replaced on 3/16/2017) (nk). (Entered: 02/27/2017)
03/02/2017	12	Notice of Mediation by UNITED STATES OF AMERICA. Mediation Date March 8, 2017, at 10:00 a.m. (Skirtich, Paul) (Entered: 03/02/2017)
03/03/2017	13	Consent MOTION to Extend Time to File Motion to Strike Affirmative Defenses by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order) (Brown, Laura) (Entered: 03/03/2017)
03/03/2017	14	MINUTE ORDER: 13 United States Consent Motion to Extend Deadline to File Motion to Strike Affirmative Defenses is GRANTED. The deadline for the United States to file a motion to strike pursuant to Federal Rule of Civil Procedure 12(f) is extended until March 17, 2017. Signed by Judge Barbara Rothstein on 3/3/2017. 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: 03/03/2017)
03/07/2017	15	Joint MOTION for Protective Order by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Proposed Order) (Devlin, Neal) (Entered: 03/07/2017)
03/13/2017	16	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)
03/17/2017	17	MOTION to Strike <i>Affirmative Defenses</i> by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Proposed Order) (Brown, Laura) (Entered: 03/17/2017)
04/05/2017	18	MOTION for attorney Lawrence A. Kogan to Appear Pro Hac Vice, (Filing fee \$70, Receipt # 0315-4292637) by ROBERT BRACE, ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit A, # 2 Exhibit B) (Kogan, Lawrence) (Entered: 04/05/2017)
04/05/2017	19	ORDER granting 18 Motion for Lawrence A. Kogan to Appear Pro Hac Vice. Signed by Judge Barbara Rothstein on 4/5/2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (nk) (Entered: 04/05/2017)
04/05/2017	20	Errata re 18 Motion to Appear Pro Hac Vice by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. Reason for Correction: Typographical Error. (Attachments: # 1 Exhibit A, # 2 Exhibit B) (Kogan, Lawrence) (Entered: 04/05/2017)
04/07/2017	21	BRIEF in Opposition re 17 Motion to Strike <i>Affirmative Defenses</i> filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Devlin, Neal) (Entered: 04/07/2017)
04/21/2017	22	REPLY BRIEF <i>in support of Motion to Strike Affirmative Defenses</i> filed by UNITED STATES OF AMERICA. (Brown, Laura) (Entered: 04/21/2017)
04/27/2017	23	REPORT of Rule 26(f) Planning Meeting. (Brown, Laura) (Entered: 04/27/2017)
05/03/2017	24	MINUTE ORDER: denying as moot 15 Motion for Protective Order. Given that a mediation was held on March 8, 2017, the Court DENIES the parties' Joint Motion for Entry of a Stipulated Protective Order as MOOT. The parties may renew their motion if necessary, or in the event of a follow-up mediation. Signed by Judge Barbara J. Rothstein on May 3, 2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (smb) (Entered: 05/03/2017)
05/18/2017	25	MOTION for ENTRY OF ORDER REGARDING DISCOVERY OF ESI AND CLAIMS OF PRIVILEGE OR WORK PRODUCT PROTECTION, by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order, # 2 Appendix A) (Brown, Laura) (Entered: 05/18/2017)

05/19/2017	26	MINUTE ORDER: setting case schedule. Having reviewed the parties' 26(f) Report, the Court ADOPTS the following schedule: (1) If initial disclosures have not been made, the deadline for initial disclosures shall be extended to June 2, 2017; (2) Additional parties shall be joined by June 12, 2017; (3) The Court will set the deadline to amend pleadings once the Court rules on the United States' pending Rule 12(f) Motion; (4) Fact and expert discovery shall be completed by December 20, 2017; (5) Dispositive and Daubert Motions shall be filed by February 2, 2018. Additionally, it is the practice of this Court to set a complete pretrial schedule. In lieu of a Post-Discovery Status Conference, twenty-one (21) days after the resolution of dispositive motions or the date for which filing such motions has passed, the parties shall submit a Post-Dispositive Motion Joint Status Report that includes: (1) Proposed Pretrial conference dates; (2) Proposed trial dates, including the likely length of trial (noting that the Court's presumptive limit is five days), and whether the trial should be bifurcated; and (3) Whether the trial will be tried before a jury or the Court. Signed by Judge Barbara J. Rothstein on May 19, 2017. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (smb) (Entered: 05/19/2017)
06/08/2017	27	RESPONSE to Motion re 25 MOTION ENTRY OF ORDER REGARDING DISCOVERY OF ESI AND CLAIMS OF PRIVILEGE OR WORK PRODUCT PROTECTION filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit A, # 2 Proposed Order, # 3 Appendix A) (Devlin, Neal) (Entered: 06/08/2017)
09/20/2017	28	NOTICE of Appearance by Sarah A. Buckley on behalf of UNITED STATES OF AMERICA. (Buckley, Sarah) (Entered: 09/20/2017)
10/03/2017	29	STIPULATION <i>Regarding the United States' Requests for Entry Upon Land</i> by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Devlin, Neal) (Entered: 10/03/2017)
10/06/2017	30	NOTICE of Appearance by Patrick R. Jacobi on behalf of UNITED STATES OF AMERICA. (Jacobi, Patrick) (Entered: 10/06/2017)
11/10/2017	31	Joint MOTION for Extension of Time to Complete Discovery by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order) (Brown, Laura) (Entered: 11/10/2017)
11/16/2017	32	MINUTE ORDER granting 31 Joint Motion for Extension of Time to Complete Discovery. The Court HEREBY SETS new discovery and filing deadlines as follows: (1) fact and expert discovery shall be completed by January 31, 2018, and (2) dispositive and Daubert Motions shall be filed by March 16, 2018. Signed by Judge Barbara Rothstein on 11/16/17. Text-only entry; no PDF document will issue. This text-only

		entry constitutes the Order of the Court or Notice on the matter. (hr) (Entered: 11/16/2017)
11/28/2017	33	NOTICE of Appearance by Chloe H. Kolman on behalf of UNITED STATES OF AMERICA. (Kolman, Chloe) (Entered: 11/28/2017)
01/09/2018	34	NOTICE of Appearance by Alexander K. Cox on behalf of ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Cox, Alexander) (Entered: 01/09/2018)
01/16/2018	35	MOTION for Extension of Time to Complete Discovery by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Proposed Order) (Cox, Alexander) (Entered: 01/16/2018)
01/18/2018	36	RESPONSE IN OPPOSITION to 35 Motion for Extension of Time to Complete Discovery, filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G) (Buckley, Sarah) (Entered: 01/18/2018)
01/22/2018	37	NOTICE Regarding Defendants' Motion for Extension of Time to Complete Discovery by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC. re 35 Motion for Extension of Time to Complete Discovery, 36 Response in Opposition. (Cox, Alexander) (Entered: 01/22/2018)
01/23/2018	38	ORDER granting 35 Motion for Extension of Time to Complete Discovery insofar as Defendants shall respond to Plaintiff's First Set of Interrogatories no later than 2/7/18, and all parties shall conclude the depositions of expert witnesses by 2/28/18. The Order also GRANTS Plaintiff's Motion 25 , and, therefore, the Court approves the ESI protocol as proposed by the Government. Signed by Judge Barbara Rothstein on 1/23/2018. (nk) (Entered: 01/23/2018)
01/23/2018	39	MINUTE ORDER: Having ruled on 25 and 35 , the Court directs the parties to pages 3-4 of its Standing Order, which states that "[i]f the parties are unable to reach an agreement on a discovery issue after conferring, they shall arrange a telephone hearing with the court regarding the issue." Doc. 9 . Any future motions not in compliance with this and other provisions of the Standing Order will be stricken. SO ORDERED. Authorized by Judge Barbara Rothstein on 1/23/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 01/23/2018)
01/25/2018	40	ORDER striking 17 Motion to Strike with leave to refile, and striking certain of Defendants' affirmative defenses 7 without prejudice.

		Defendants shall file their amended pleading in accordance with this Order and no later than February 9, 2018. Authorized by Judge Barbara Rothstein on 1/25/18. (sgg) (Entered: 01/25/2018)
02/06/2018	41	ORDER: Standing Order filed to reflect the addition of the following language in Section 2(C): "But see Section F(1) infra, for conferral requirements as to motions to dismiss." Signed by Judge Barbara Rothstein on 2/6/18. (Rothstein, Barbara) (Entered: 02/06/2018)
02/07/2018	42	Consent MOTION for Extension of Time to File <i>Dispositive and Daubert Motions</i> by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order) (Brown, Laura) (Entered: 02/07/2018)
02/08/2018	43	MINUTE ORDER: There being no objection, the Court GRANTS Plaintiff's motion for an extension of time in which to file dispositive and Daubert motions 42 . Dispositive and Daubert motions shall be filed no later than April 16, 2018. SO ORDERED. Authorized by Judge Barbara Rothstein on 2/8/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 02/08/2018)
02/09/2018	44	<i>Amended ANSWER to 1 Complaint and Affirmative Defenses</i> by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Cox, Alexander) (Entered: 02/09/2018)
02/12/2018	45	Errata re Quality Control message - No signature s/, 44 Answer to Complaint by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. Reason for Correction: Signature on original document and filer did not match.. (Devlin, Neal) (Entered: 02/12/2018)
03/23/2018	46	MINUTE ORDER: Counsel has informed the Court that the parties have an unresolvable discovery dispute, and that Defendant Brace has already drafted its corresponding motion. Thus, Defendants shall file their discovery motion, not to exceed 15 pages, no later than close of business today, March 23, 2018. Counsel is reminded that, pursuant to the Standing Order, a motion and legal argument supporting the motion shall be filed as a single document. Plaintiff shall file its brief response, not to exceed 7 pages, by March 28, 2018. Additionally and at the request of the parties, the Court hereby schedules a telephonic status conference on this issue for 2:30pm on March 30, 2018. Counsel for all parties shall be on the line when they call chambers at that time and at (202) 354-3330. SO ORDERED. Signed by Judge Barbara Rothstein on 3/23/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 03/23/2018)

03/23/2018	47	MOTION for Extension of Time to Complete Discovery by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit, # 8 Exhibit, # 9 Exhibit, # 10 Exhibit, # 11 Exhibit, # 12 Exhibit, # 13 Exhibit, # 14 Exhibit, # 15 Exhibit, # 16 Exhibit) (Devlin, Neal) (Entered: 03/23/2018)
03/28/2018	48	RESPONSE IN OPPOSITION to 47 Motion for Extension of Time to Complete Discovery, 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, # 16 Exhibit 16, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19) (Uholik, Brian) (Entered: 03/28/2018)
03/30/2018	49	MINUTE ORDER: Having conducted a telephonic discovery conference on March 30, 2018, at which Plaintiff was represented by Laura J. Brown and Defendants were represented by Lawrence A. Kogan, and having reviewed the parties briefing (Dkts. 47 - 48) and the relevant legal authority submitted therein, the Court finds that adequate reason exists to grant Defendants limited request to reopen discovery. Specifically, Defendants shall have until May 25, 2018 for its experts to conduct focused analyses of Defendants three hydrologically integrated Waterford, PA farm fields, and to furnish their expert report to the Government. Failure to timely provide the Government with this expert report shall result in the Court prohibiting Defendants from using it at trial. The Government shall have until June 29, 2018 to prepare any rebuttal reports and conduct any depositions of Defendants experts. SO ORDERED. Signed by Judge Barbara Rothstein on 3/30/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 03/30/2018)
04/12/2018	50	Consent MOTION to Extend Time to File Dispositive and Daubert Motions by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order) (Brown, Laura) (Entered: 04/12/2018)
04/13/2018	51	MINUTE ORDER: There being no objection, and in light of the Court's ruling in 49 , the Court GRANTS Plaintiff's motion to extend the time to file dispositive and Daubert motions 50 . The April 16, 2018 deadline is vacated, and these motions are now due no later than August 13, 2018. All other previously-scheduled dates remain. SO ORDERED. Authorized by Judge Barbara Rothstein on 4/13/2018. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 04/13/2018)
04/16/2018	52	Partial MOTION for Judgment on the Pleadings <i>on Defedants' Affirmative Defenses</i> by UNITED STATES OF AMERICA.

		(Attachments: # 1 Proposed Order) (Brown, Laura) (Entered: 04/16/2018)
04/16/2018	53	MOTION for Attorney Fees <i>and Expenses</i> by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10) (Uholik, Brian) (Entered: 04/16/2018)
05/07/2018	54	RESPONSE IN OPPOSITION to 53 Motion for Attorney Fees, filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F) (Cox, Alexander) (Entered: 05/07/2018)
05/07/2018	55	BRIEF in Opposition re 52 Motion for Judgment on the Pleadings filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5) (Devlin, Neal) (Entered: 05/07/2018)
05/18/2018	56	REPLY BRIEF re 52 Motion for Partial Judgment on the Pleadings filed by UNITED STATES OF AMERICA. (Brown, Laura) (Entered: 05/18/2018)
05/18/2018	57	REPLY BRIEF re 53 Motion for Attorney Fees, filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F) (Uholik, Brian) (Entered: 05/18/2018)
05/25/2018	58	NOTICE of Activity in Related Case by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC. (Attachments: # 1 Exhibit 1) (Devlin, Neal) (Entered: 05/25/2018)
06/06/2018	59	MOTION for Order to Show Cause by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3) (Uholik, Brian) (Entered: 06/06/2018)
06/13/2018	60	MINUTE ORDER granting 59 : The Government has informed the Court that despite the Court's prior warning that "failure to timely provide the Government with [Defendants'] expert report [would] result in the Court prohibiting Defendants from using it at trial," 49 , Defendants furnished their expert report 10 days late, and without any explanation as to its tardiness. Accordingly, the Court hereby GRANTS the Government's Motion for an Order to Show Cause 59 and ORDERS Defendants to show cause as to why their expert report should not be stricken from the record. Defendants shall do so no later than 6:00pm on Thursday, June 14, 2018. Authorized by Judge Barbara Rothstein on

		6/13/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 06/13/2018)
06/14/2018	61	RESPONSE TO ORDER TO SHOW CAUSE re 60 Order on Motion for Order to Show Cause, filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC. (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) (Devlin, Neal) (Entered: 06/14/2018)
06/15/2018	62	ORDER regarding Plaintiff's Motion for Order to Show Cause 59 . Signed by Judge Barbara Rothstein on 6/15/18. (sgg) (Entered: 06/15/2018)
06/15/2018	63	MOTION for Reconsideration re 62 Order by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6) (Uholik, Brian) (Entered: 06/15/2018)
06/19/2018	64	MINUTE ORDER: If Defendants plan to respond to the Plaintiff's motion for reconsideration 63 , they must do so no later than 6:00pm on June 20, 2018, and in no more than 5 pages. SO ORDERED. Authorized by Judge Barbara Rothstein on 6/19/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 06/19/2018)
06/20/2018	65	RESPONSE to Motion re 63 MOTION for Reconsideration re 62 Order filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit 1) (Devlin, Neal) (Entered: 06/20/2018)
06/21/2018	66	REPLY to Response to Motion re 63 Motion for Reconsideration, 65 Response to Motion filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A) (Uholik, Brian) (Entered: 06/21/2018)
06/22/2018	67	ORDER denying 63 Motion for Reconsideration. Signed by Judge Barbara Rothstein on 6/22/18. (sgg) (Entered: 06/22/2018)
06/25/2018	68	MINUTE ORDER: Counsel has informed the Court that the parties have an unresolvable discovery dispute. Accordingly, and at the request of the parties, the Court hereby schedules a telephonic status conference for 2:00pm on June 28, 2018. Counsel for all parties shall be on the line when they call chambers at that time and at (202) 354-3330. SO ORDERED. Signed by Judge Barbara Rothstein on 6/25/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 06/25/2018)

06/28/2018	69	RESPONSE to 67 Order on Motion for Reconsideration, filed by UNITED STATES OF AMERICA. (Uholik, Brian) (Entered: 06/28/2018)
06/29/2018	70	ORDER denying Defendants' motion to extend expert discovery, and setting schedule. Signed by Judge Barbara Rothstein on 6/29/18. (sgg) (Entered: 06/29/2018)
07/19/2018	71	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 6/28/2018 before Judge Barbara Rothstein. Court Reporter/Transcriber Jeff M. Hook, Telephone number 202-354-3373. 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 7/26/2018. Redaction Request due 8/9/2018. Redacted Transcript Deadline set for 8/20/2018. Release of Transcript Restriction set for 10/17/2018. (kly) (Entered: 07/19/2018)
07/20/2018	72	MOTION for Reconsideration re 70 Order by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (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) (Cox, Alexander) (Entered: 07/20/2018)
07/23/2018	73	Errata re 72 Motion for Reconsideration, by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC. Reason for Correction: Signature on original document and filer did not match; Proposed Order not attached on original 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, # 11 Exhibit 11, # 12 Proposed Order) (Devlin, Neal) (Entered: 07/23/2018)
07/26/2018	74	RESPONSE IN OPPOSITION to 72 Motion for Reconsideration filed by UNITED STATES OF AMERICA. (Uholik, Brian) (Entered: 07/26/2018)
07/31/2018	75	ORDER granting pltf's 52 Motion for Partial Judgment on the Pleadings. Signed by Judge Barbara Rothstein on 7/31/18. (sgg) (Entered: 07/31/2018)

08/09/2018	76	REPLY BRIEF re 74 Response in Opposition filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5) (Devlin, Neal) (Entered: 08/09/2018)
08/10/2018	77	ORDER denying 72 Motion for Reconsideration. Signed by Judge Barbara Rothstein on 8/10/18. (sgg) (Entered: 08/10/2018)
08/31/2018	78	MOTION for Leave to File Over-Length Motion and Brief by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order) (Uholik, Brian) (Entered: 08/31/2018)
09/04/2018	79	MINUTE ORDER: Having considered Plaintiff's motion for leave to file over-length briefs 78 , the Court hereby GRANTS Plaintiff's request. Each party is permitted to file an over-length dispositive motion brief, not to exceed 40 pages, no later than September 14, 2018. All other page limits, orders, and dates set forth in the Court's Standing Order and in the docket remain. Authorized by Judge Barbara Rothstein on 9/4/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 09/04/2018)
09/11/2018	80	MOTION for Extension of Time to File <i>Dispositive and Daubert Motions</i> by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Proposed Order) (Devlin, Neal) (Entered: 09/11/2018)
09/11/2018	81	MINUTE ORDER: There being no objection, the Court hereby GRANTS Defendants' motion for an extension of time in which to file dispositive and Daubert motions 80 . The September 14, 2018 deadline is hereby vacated, and the parties shall file their dispositive and Daubert motions no later than September 25, 2018. The Court expects that this will be the last such request from either party. SO ORDERED. Authorized by Judge Barbara Rothstein on 9/11/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 09/11/2018)
09/25/2018	82	MOTION in Limine to <i>Exclude Expert Testimony</i> by UNITED STATES OF AMERICA. (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, # 10 Proposed Order) (Brown, Laura) (Entered: 09/25/2018)
09/25/2018	83	MOTION for Summary Judgment <i>on Liability</i> by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order) (Brown, Laura) (Entered: 09/25/2018)

09/25/2018	84	CONCISE STATEMENT OF MATERIAL FACTS <i>In Support of re 83</i> Motion for Summary Judgment 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, # 16 Exhibit 16, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19, # 20 Exhibit 20, # 21 Exhibit 21, # 22 Exhibit 22, # 23 Exhibit 23, # 24 Exhibit 24, # 25 Exhibit 25, # 26 Exhibit 26, # 27 Exhibit 27, # 28 Exhibit 28, # 29 Exhibit 29, # 30 Exhibit 30, # 31 Exhibit 31, # 32 Exhibit 32, # 33 Exhibit 33, # 34 Exhibit 34, # 35 Exhibit 35, # 36 Exhibit 36, # 37 Exhibit 37, # 38 Exhibit 38, # 39 Exhibit 39, # 40 Exhibit 40, # 41 Exhibit 41, # 42 Exhibit 42, # 43 Exhibit 43, # 44 Exhibit 44, # 45 Exhibit 45, # 46 Exhibit 46, # 47 Exhibit 47, # 48 Exhibit 48, # 49 Exhibit 49, # 50 Exhibit 50, # 51 Exhibit 51, # 52 Exhibit 52, # 53 Exhibit 53, # 54 Exhibit 54, # 55 Exhibit 55, # 56 Exhibit 56, # 57 Exhibit 57, # 58 Appendix or Index of Exhibits) (Brown, Laura) (Entered: 09/25/2018)
09/25/2018	85	BRIEF in Support re 83 Motion for Summary Judgment filed by UNITED STATES OF AMERICA. (jv) (Entered: 09/26/2018)
09/26/2018	86	MOTION in Limine <i>to Exclude, or in the Alternative Limit, the Expert Testimony of Peter Stokely</i> by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (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 Proposed Order) (Devlin, Neal) (Entered: 09/26/2018)
09/26/2018	87	MOTION in Limine <i>to Exclude, or in the Alternative Limit, the Expert Testimony of Dr. Robert Brooks</i> by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (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 Proposed Order) (Devlin, Neal) (Entered: 09/26/2018)
09/27/2018	88	MOTION to Strike 86 MOTION in Limine <i>to Exclude, or in the Alternative Limit, the Expert Testimony of Peter Stokely</i> , 87 MOTION in Limine <i>to Exclude, or in the Alternative Limit, the Expert Testimony of Dr. Robert Brooks</i> by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2) (Uholik, Brian) (Entered: 09/27/2018)
10/02/2018	89	RESPONSE to Motion re 88 MOTION to Strike 86 MOTION in Limine <i>to Exclude, or in the Alternative Limit, the Expert Testimony of Peter Stokely</i> , 87 MOTION in Limine <i>to Exclude, or in the Alternative Limit, the Expert Testimony of Dr. Robert Brooks</i> < filed by ROBERT BRACE,

		<i>ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit 1) (Devlin, Neal) (Entered: 10/02/2018)</i>
10/04/2018	90	REPLY BRIEF re 88 Motion to Strike, 89 Response to Motion, filed by UNITED STATES OF AMERICA. (Uholik, Brian) (Entered: 10/04/2018)
10/09/2018	91	MOTION for Extension of Time to File Response/Reply as to 86 MOTION in Limine to Exclude, or in the Alternative Limit, the Expert Testimony of Peter Stokely, 87 MOTION in Limine to Exclude, or in the Alternative Limit, the Expert Testimony of Dr. Robert Brooks by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order) (Uholik, Brian) (Entered: 10/09/2018)
10/10/2018	92	MOTION to Consolidate Cases by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Proposed Order) (Cox, Alexander) (Entered: 10/10/2018)
10/10/2018	93	MOTION for Leave to File for Additional Time to File Response to United States Dispositive Motion Filings and Over-Length Response and Brief by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Proposed Order) (Devlin, Neal) (Entered: 10/10/2018)
10/12/2018	94	Errata re 93 Motion for Leave to File, by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. Reason for Correction: Correct and Clarify Motion. (Attachments: # 1 Proposed Order) (Devlin, Neal) (Entered: 10/12/2018)
10/15/2018	95	MINUTE ORDER STRIKING PLAINTIFF'S MOTION 91 : The Court's Standing Order requires, inter alia, that motions "contain a certification that the parties have met and conferred," or, where appropriate, that parties "explain their specific efforts to comply if contact was not successfully made." Doc. 9 at 2. The Government's motion for an extension of time does not contain any such certification, nor does it otherwise indicate whether Defendants oppose (or not) the Government's request. See Doc. 91 . Accordingly, the Court hereby STRIKES, with leave to refile, the Government's motion for failure to comply with the Court's conferral requirement. SO ORDERED. Signed by Judge Barbara Rothstein on 10/15/2018. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (kly) (Entered: 10/15/2018)
10/16/2018	96	Second MOTION for Extension of Time to File Response/Reply as to 86 MOTION in Limine to Exclude, or in the Alternative Limit, the Expert Testimony of Peter Stokely, 87 MOTION in Limine to Exclude, or in the Alternative Limit, the Expert Testimony of Dr. Robert Brooks by

		UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order) (Uholik, Brian) (Entered: 10/16/2018)
10/16/2018	97	RESPONSE IN OPPOSITION to 92 Motion to Consolidate Cases, filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A, # 2 Exhibit B) (Uholik, Brian) (Entered: 10/16/2018)
10/16/2018	98	RESPONSE IN OPPOSITION to 82 Motion in Limine filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC. (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, # 16 Exhibit 16, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19, # 20 Exhibit 20, # 21 Exhibit 21, # 22 Exhibit 22, # 23 Exhibit 23, # 24 Exhibit 24, # 25 Exhibit 25, # 26 Exhibit 26, # 27 Exhibit 27) (Devlin, Neal) Modified on 10/17/2018. (cel) (Entered: 10/16/2018)
10/17/2018	99	MINUTE ORDER: There being no objection, the Court hereby grants 93 , 94 , 96 , and ORDERS as follows: If necessary, Plaintiff shall have 21 days following the Court's ruling on its motion to strike 88 to respond to Defendants' motions in limine 86 , 87 ; Defendants shall have until October 25, 2018 to respond to Plaintiff's Daubert motion 82 , and to Plaintiff's motion for summary judgment 83 . In addition, Defendants are granted leave to file an over-length brief, not to exceed 40 pages, in response to Plaintiff's motion for summary judgment 83 . Plaintiff is granted leave to file an over-length brief, not to exceed 30 pages, in any reply to Defendants' anticipated opposition to Plaintiff's motion for summary judgment. SO ORDERED. Authorized by Judge Barbara Rothstein on 10/17/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 10/17/2018)
10/22/2018	100	ORDER denying 88 Motion to Strike and ordering Defendants to show cause as to why sanctions should not be imposed on defense counsel. Signed by Judge Barbara Rothstein on 10/22/18. (sgg) (Entered: 10/22/2018)
10/22/2018	101	REPLY BRIEF re 98 Response in Opposition, 82 Motion in Limine, filed by UNITED STATES OF AMERICA. (Uholik, Brian) (Entered: 10/22/2018)
10/25/2018	102	RESPONSE to 83 Motion for Summary Judgment, 84 Concise Statement of Material Facts,,,,,, filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (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, # 16 Exhibit 16, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19, # 20 Exhibit 20, # 21 Exhibit 21, # 22 Exhibit 22, # 23 Exhibit 23, # 24 Exhibit 24, # 25 Exhibit 25, # 26 Exhibit 26, # 27 Exhibit 27, # 28 Exhibit 28, # 29 Exhibit 29, # 30 Exhibit 30, # 31 Exhibit 31, # 32 Exhibit 32, # 33 Exhibit 33, # 34 Exhibit 34, # 35 Exhibit 35, # 36 Exhibit 36, # 37 Exhibit 37, # 38 Exhibit 38, # 39 Exhibit 39, # 40 Exhibit 40, # 41 Exhibit 41, # 42 Exhibit 42, # 43 Exhibit 43, # 44 Exhibit 44, # 45 Exhibit 45, # 46 Exhibit 46, # 47 Exhibit 47, # 48 Exhibit 48, # 49 Exhibit 49, # 50 Exhibit 50, # 51 Exhibit 51, # 52 Exhibit 52, # 53 Exhibit 53, # 54 Exhibit 54, # 55 Exhibit 55, # 56 Exhibit 56, # 57 Exhibit 57, # 58 Exhibit 57A, # 59 Exhibit 58, # 60 Exhibit 58A, # 61 Exhibit 58B, # 62 Exhibit 59, # 63 Exhibit 60, # 64 Exhibit 61, # 65 Exhibit 62, # 66 Exhibit 63, # 67 Exhibit 64, # 68 Exhibit 65, # 69 Exhibit 66, # 70 Exhibit 67, # 71 Exhibit 68) (Devlin, Neal) (Entered: 10/25/2018)
10/26/2018	103	BRIEF in Opposition to 83 MOTION for Summary Judgment <i>on Liability</i> , filed by ROBERT BRACE. (Attachments: # 1 Exhibit, # 2 Exhibit) (Kogan, Lawrence) Document removed from public view and redocketed at 104 . Modified on 10/26/2018. (ept) (Entered: 10/26/2018)
10/26/2018	104	Errata re 103 Brief in Opposition - Other <i>to United States' Motion for Summary Judgment on Liability</i> by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. Reason for Correction: Corrected Document. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2) (Devlin, Neal) (Entered: 10/26/2018)
10/26/2018	105	MOTION to Strike 104 Errata, 103 Brief in Opposition - Other, by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order, # 2 Exhibit A) (Uholik, Brian) (Entered: 10/26/2018)
10/29/2018	106	MOTION for Extension of Time to File Response/Reply as to 83 MOTION for Summary Judgment <i>on Liability</i> , 102 Response by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order) (Uholik, Brian) (Entered: 10/29/2018)
10/30/2018	107	MINUTE ORDER: Plaintiff, in its motion for extension of time 106 , notes that Defendants oppose the requested extension. If Defendants would like to provide the Court the reasons for their opposition, they must do so no later than November 1, 2018, and in no more than five (5) pages. SO ORDERED. Authorized by Judge Barbara Rothstein on 10/30/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 10/30/2018)
10/30/2018	108	REPLY to 92 Motion to Consolidate Cases, 97 Response in Opposition, filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC.,

		ROBERT BRACE FARMS, INC.. (Cox, Alexander) (Entered: 10/30/2018)
11/01/2018	109	RESPONSE to Motion re 106 MOTION for Extension of Time to File Response/Reply as to 83 MOTION for Summary Judgment <i>on Liability</i> , 102 Response filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7) (Devlin, Neal) (Entered: 11/01/2018)
11/01/2018	110	REPLY BRIEF re 106 Motion for Extension of Time to File Response/Reply filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A) (Brown, Laura) (Entered: 11/01/2018)
11/02/2018	111	MOTION for Leave to File Sur-Reply Brief by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit A, # 2 Proposed Order) (Devlin, Neal) (Entered: 11/02/2018)
11/02/2018	112	Consent MOTION for Leave to File Sur-Reply re: Motion to Consolidate by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit I) (Uholik, Brian) (Entered: 11/02/2018)
11/02/2018	113	MINUTE ORDER: There being no objection, the Court hereby GRANTS 112 Plaintiff's motion for leave to file a sur-reply to Defendants' motion to consolidate, and considers Doc. 112-1 the relevant sur-reply. SO ORDERED. Authorized by Judge Barbara Rothstein on 11/2/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 11/02/2018)
11/06/2018	114	ORDER DENYING 111 Motion for Leave to File filed by ROBERT BRACE AND SONS, INC., ROBERT BRACE, ROBERT BRACE FARMS, INC. and GRANTING 106 Motion for Extension of Time to File Response/Reply filed by UNITED STATES OF AMERICA. Signed by Judge Barbara Rothstein on 11/6/18. (sgg) (Entered: 11/06/2018)
11/09/2018	115	RESPONSE IN OPPOSITION re 87 Motion to Exclude, or in the Alternative Limit, the Expert Testimony of Dr. Robert Brooks filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E) (Brown, Laura) Modified on 11/9/2018 to add document linkage. (ept) (Entered: 11/09/2018)
11/09/2018	116	RESPONSE IN OPPOSITION to 86 Motion in Limine filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G) (Uholik, Brian) (Entered: 11/09/2018)

11/13/2018	117	RESPONSE TO ORDER TO SHOW CAUSE re 100 Order on Motion to Strike filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Affidavit, # 2 Affidavit, # 3 Affidavit) (Kogan, Lawrence) Text modified on 11/13/2018. (ept) (Entered: 11/13/2018)
11/13/2018	118	MINUTE ORDER: The Court is in receipt of Defendants' response to the Court's Order to Show Cause (Doc. 117). Plaintiff shall file any response on or before November 19, 2018; and Defendants shall file any reply on or before November 30, 2018. SO ORDERED. Authorized by Judge Barbara Rothstein on 11/13/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 11/13/2018)
11/14/2018	119	RESPONSE IN OPPOSITION to 105 Motion to Strike, filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (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) (Devlin, Neal) (Entered: 11/14/2018)
11/14/2018	120	ORDER denying 92 Motion to Consolidate Cases. Signed by Judge Barbara Rothstein on 11/14/18. (sgg) (Entered: 11/14/2018)
11/16/2018	121	REPLY to 117 Response to Order to Show Cause, 100 Order on Motion to Strike, filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A, # 2 Exhibit B) (Uholik, Brian) (Entered: 11/16/2018)
11/19/2018	122	REPLY to 105 Motion to Strike, 119 Response in Opposition filed by UNITED STATES OF AMERICA. (Uholik, Brian) (Entered: 11/19/2018)
11/21/2018	123	REPLY to Response to Motion re 87 Motion in Limine, filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2;2A-2I, # 3 Exhibit 3;3A-3E, # 4 Exhibit 4, # 5 Exhibit 5;5A, # 6 Exhibit 6, # 7 Exhibit 7;7A, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11;11A, # 12 Exhibit 12;12A, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16;16A, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19, # 20 Exhibit 20, # 21 Exhibit 21) (Devlin, Neal) (Entered: 11/21/2018)
11/21/2018	124	MOTION to Exclude the Non-Expert Testimony of Dr. Robert Brooks Relating to his Aerial Photographic Interpretation of the Marsh Site by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3) (Devlin, Neal) (Entered: 11/21/2018)

11/23/2018	125	REPLY to Response to Motion re 116 Response in Opposition filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, 2A, 2B, 2C, 2D, # 3 Exhibit 3, 3A, 3B, 3C, 3D, # 4 Exhibit 4, 4A, 4B, 4C, 4D, 4E, 4F, # 5 Exhibit 5, 5A, 5B, 5C, # 6 Exhibit 6, 6A, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10,10A, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16,16A, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19, # 20 Exhibit 20, 20A, # 21 Exhibit 21, # 22 Exhibit 22, # 23 Exhibit 23, # 24 Exhibit 24, # 25 Exhibit 25, 25A, 25B) (Kogan, Lawrence) Modified text on 11/26/2018 to correct document linkage. (ept) (Entered: 11/23/2018)
11/26/2018	126	Proposed Order re 124 Motion to Exclude the Non-Expert Testimony of Dr. Robert Brooks Relating to his Aerial Photographic Interpretation of the Marsh Site by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Devlin, Neal) Modified text on 11/27/2018. (ept) (Entered: 11/26/2018)
11/28/2018	127	MOTION in Limine to <i>Exclude United States Photographs taken by Pennsylvania Fish & Boat Commission Officer James Smolko</i> by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2; 2A-2T, # 3 Exhibit 3; 3A-3E, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9; 9A, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 12A, # 14 Exhibit 13, # 15 Exhibit 14; 14A, # 16 Exhibit 15, # 17 Exhibit 15A, # 18 Exhibit 16, # 19 Exhibit 17; 17A, # 20 Exhibit 18, # 21 Exhibit 19, # 22 Exhibit 20, # 23 Exhibit 21; 21A, # 24 Exhibit 22; 22A-22B, # 25 Exhibit 23, # 26 Exhibit 24, # 27 Exhibit 24A, # 28 Exhibit 25A, # 29 Proposed Order) (Devlin, Neal) (Entered: 11/28/2018)
11/29/2018	128	MOTION to Strike <i>Defendants' Untimely Daubert Motion, ECF No. 124</i> by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order) (Brown, Laura) (Entered: 11/29/2018)
11/29/2018	129	MINUTE ORDER: Having been filed 56 and 63 days late, respectively, the Court hereby STRIKES as untimely Defendants' latest Daubert motions, Docs. 124 , 127 . See Dkt. 81 (ordering that Daubert motions be filed no later than September 25, 2018); Standing Order, Doc. 41 at 2 ("Untimely motions or responsive pleadings may be summarily denied, stricken, or ignored."). SO ORDERED. Authorized by Judge Barbara Rothstein on 11/29/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 11/29/2018)

11/30/2018	130	NOTICE of Appearance by Sheila Baynes on behalf of UNITED STATES OF AMERICA. (Baynes, Sheila) (Entered: 11/30/2018)
11/30/2018	131	MOTION to Strike 102 Response <i>34 Exhibits to ECF 102 and parts of Affidavit of Susan Kagel</i> by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Proposed Order) (Baynes, Sheila) Modified text on 12/3/2018 to add document linkage. (ept) (Entered: 11/30/2018)
12/03/2018	132	REPLY <i>in Support of the United States'</i> 83 <i>Motion for Summary Judgment on Liability</i> filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3) (Brown, Laura) Modified text on 12/4/2018 to correct title of event selected and add document linkage. (ept) (Entered: 12/03/2018)
12/03/2018	133	COUNTER STATEMENT OF FACTS <i>in Response to Defendants' "Responsive Detailed" Statement of Facts in Support of the United States' Motion for Summary Judgment on Liability</i> by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Appendix of Exhibits) (Brown, Laura) Wrong event selected. Document removed from public view and reocketed at 134 . Modified text on 12/4/2018. (ept) (Entered: 12/03/2018)
12/03/2018	134	RESPONSE to 102 Response filed by UNITED STATES OF AMERICA. (ept) (Entered: 12/04/2018)
12/20/2018	135	Joint MOTION to Extend Time to January 4 and January 25 by UNITED STATES OF AMERICA. (Baynes, Sheila) (Entered: 12/20/2018)
12/21/2018	136	Proposed Order re 135 Motion to Extend Time <i>to January 4 and January 25</i> by UNITED STATES OF AMERICA. (Baynes, Sheila) (Entered: 12/21/2018)
12/21/2018	137	MINUTE ORDER: The parties having agreed, the Court hereby GRANTS the joint motion to extend deadlines 135 and orders that any opposition to Plaintiff's motion to exclude 131 be filed by January 4, 2019; and, in the event that an opposition is filed, any reply by Plaintiff shall be filed no later than January 25, 2019. SO ORDERED. Authorized by Judge Barbara Rothstein on 12/21/18. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 12/21/2018)
01/04/2019	138	RESPONSE to Motion re 131 MOTION to Strike <i>34 Exhibits to ECF 102 and parts of Affidavit of Susan Kagel</i> DEFENDANTS RESPONSE AND MEMORANDUM OF LAW TO UNITED STATES MOTION AND MEMORANDUM OF LAW TO EXCLUDE UNDISCLOSED EXHIBITS

		<i>AND EXPERT TESTIMONY</i> filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4) (Kogan, Lawrence) Modified text on 1/7/2019. (ept) (Entered: 01/04/2019)
01/30/2019	139	MINUTE ORDER: In light of the lapse in appropriations, the Court orders Plaintiff to file its reply to its motion to strike 131 no later than February 6, 2019. See Dkt. 137. All other deadlines remain. SO ORDERED. Authorized by Judge Barbara Rothstein on 1/30/19. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 01/30/2019)
02/06/2019	140	REPLY re 131 Motion to Strike, 138 Response to Motion, filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A) (Baynes, Sheila) Modified text on 2/7/2019 to correct title of event selected. (ept) (Entered: 02/06/2019)
02/08/2019	141	MINUTE ORDER: The Court is in receipt of Plaintiff's Motion to Recover Expenses relating to Defendants' alleged failure to "adequately prepare their initial [Federal Rule of Civil Procedure] 30(b)(6) designee Robert Bracefor the corporate Defendants 30(b)(6) deposition[.]" Doc. 53 . The Court is additionally in receipt of the parties' responses to the Court's order 100 that Defendants show cause as to why sanctions should not be imposed on defense counsel. Doc. 117 ; Doc. 121 . The Court reserves ruling on matters relating to sanctions and fees until it has ruled on dispositive motions. Therefore, the Court STRIKES Plaintiff's Motion 53 with leave to refile. SO ORDERED. Signed by Judge Barbara Rothstein on 2/8/19. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (sgg) (Entered: 02/08/2019)
04/18/2019	142	ORDER granting 105 and 131 Motions to Strike and Setting Dates. Signed by Judge Barbara Rothstein on 4/18/19. (sgg) (Entered: 04/18/2019)
04/26/2019	143	STATUS REPORT (<i>Joint</i>) by UNITED STATES OF AMERICA. (Brown, Laura) (Entered: 04/26/2019)
04/30/2019	144	MINUTE ORDER: Having reviewed the parties' joint status report [Dkt. No. 143], the Court hereby rules and sets the following dates: (1) the matter will be tried to the Court and the liability and remedy phases of the bench trial will be bifurcated; (2) the liability phase of the bench trial will commence on October 7, 2019; (3) the pretrial conference is set for September 24, 2019; and (4) the trial will be held in Erie, Pennsylvania. Signed by Judge Barbara Rothstein on 4/30/19. Text-only entry; no PDF

		document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (hr) (Entered: 04/30/2019)
05/10/2019	145	RESPONSE IN OPPOSITION (<i>Revised</i>) to 83 Motion for Summary Judgment, 84 Concise Statement of Material Facts filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Devlin, Neal) (Entered: 05/10/2019)
05/10/2019	146	NOTICE of <i>Electronic Filing Errors</i> by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC. re 145 Response in Opposition (Devlin, Neal) (Entered: 05/10/2019)
05/10/2019	147	REPLY BRIEF re 142 Order on Motion to Strike filed by ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit) (Kogan, Lawrence) (Entered: 05/10/2019)
05/13/2019	148	Appendix to 145 Response in Opposition by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (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 - Part 1, # 11 Exhibit 10 - Part 2, # 12 Exhibit 10 - Part 3, # 13 Exhibit 10 - Part 4, # 14 Exhibit 10 - Part 5, # 15 Exhibit 10 - Part 6, # 16 Exhibit 11, # 17 Exhibit 12 - Part 1, # 18 Exhibit 12 - Part 2, # 19 Exhibit 12 - Part 3, # 20 Exhibit 13, # 21 Exhibit 14, # 22 Exhibit 15) (Devlin, Neal) (Entered: 05/13/2019)
05/13/2019	149	Appendix to 145 Response in Opposition by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit 16, # 2 Exhibit 17, # 3 Exhibit 18, # 4 Exhibit 19, # 5 Exhibit 20, # 6 Exhibit 21, # 7 Exhibit 22, # 8 Exhibit 23, # 9 Exhibit 24 - Part 1, # 10 Exhibit 24 - Part 2, # 11 Exhibit 25, # 12 Exhibit 26, # 13 Exhibit 27, # 14 Exhibit 28, # 15 Exhibit 29, # 16 Exhibit 30, # 17 Exhibit 31, # 18 Exhibit 32) (Devlin, Neal) (Entered: 05/13/2019)
05/13/2019	150	Appendix to 145 Response in Opposition by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Attachments: # 1 Exhibit 33, # 2 Exhibit 34, # 3 Exhibit 35, # 4 Exhibit 36, # 5 Exhibit 37, # 6 Exhibit 38, # 7 Exhibit 39, # 8 Exhibit 40, # 9 Exhibit 41, # 10 Exhibit 42, # 11 Exhibit 43, # 12 Exhibit 44, # 13 Exhibit 45) (Devlin, Neal) (Entered: 05/13/2019)
05/14/2019	151	MOTION to Stay <i>Briefing</i> by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order) (Uholik, Brian) (Entered: 05/14/2019)

05/14/2019	152	REPLY BRIEF re 151 Motion to Stay filed by ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (Kogan, Lawrence) (Entered: 05/14/2019)
05/15/2019	153	MINUTE ORDER granting 151 unopposed Motion to Stay Briefing. It is ORDERED that the United States May 22, 2019 deadline to file a Reply Brief in Support of its Motion for Summary Judgment is STAYED. The Court shall issue new briefing deadlines once it has resolved the United States forthcoming motion to strike. Signed by Judge Barbara Rothstein on 5/15/19. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (hr) (Entered: 05/15/2019)
05/16/2019	154	MOTION to Strike 148 Appendix, 145 Response in Opposition, 147 Reply Brief, 149 Appendix, by UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D) (Uholik, Brian). Added MOTION to Exclude Undisclosed Expert Opinion and Exhibits on 5/17/2019 (ept) (Entered: 05/16/2019)
06/06/2019	155	RESPONSE IN OPPOSITION to Brief in Support of Motion, 154 Motion to Strike, Motion to Exclude Undisclosed Expert Opinion and Exhibits, filed by ROBERT BRACE, ROBERT BRACE AND SONS, INC., ROBERT BRACE FARMS, INC.. (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) (Devlin, Neal) Modified text on 6/7/2019. (ept) (Entered: 06/06/2019)
06/18/2019	156	REPLY BRIEF re 154 Motion to Strike, Motion to Exclude Undisclosed Expert Opinion and Exhibits, 155 Response in Opposition, filed by UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A) (Uholik, Brian) Modified text on 6/19/2019. (ept) (Entered: 06/18/2019)