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

UNITED STATES OF AMERICA : Civil Action No. 90-22 Erie
:
v. :
:
ROBERT BRACE and ROBERT BRACE :
FARMS, INC., A PENNSYLVANIA :
CORPORATION :

Deposition of EDWARD LEWANDOWSKI, taken before
and by Lisa K. Gehringer, Notary Public in and for the
State of Pennsylvania, on Tuesday, April 14, 1991,
commencing at 1:15 p.m. at the Econo Lodge, Route 19
and I-90, Erie, Pennsylvania.

APPEARANCES:

DAVID A. DANA, ESQUIRE, Department of Justice,
Environment and Natural Resources Division,
Environmental Defense Section, Room 7119, Washington,
D.C., attorney for the United States of America.

JOHN D. WARD, ESQUIRE, Vartan Parc, 30 North Third
Street, Eighth Floor, Harrisburg, Pennsylvania,
attorney for the Defendants.

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FERGUSON & HOLDNACK REPORTING

I N D E X

EDWARD LEWANDOWSKI

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Redirect examination by Mr. Ward	21

1 MR. WARD: This is to be the deposition of Ed
2 Lewandowski. The deposition is pursuant to
3 the notice served upon the US Attorney. It is
4 April the 14th, 1992. We're located in Erie,
5 Pennsylvania.

6 Present, I am John Ward of the firm of
7 Buchanan Ingersoll representing the defendant,
8 Robert Brace, Robert Brace Farms. The
9 plaintiff, United States, is represented by
10 David Dana of the US Attorneys' Office. Also
11 present are Robert Brace and Rhonda McAtee.

12
13 E D W A R D L E W A N D O W S K I, first having
14 been duly sworn, testified as follows:

15
16 DIRECT EXAMINATION

17 BY MR. WARD:

18
19 Q. Mr. Lewandowski, you've been sworn. Would you
20 please state your name for the record.

21 A. Edward Lewandowski.

22 Q. And your address, please?

23 A. My home address?

24 Q. Yes, that would be fine.

25 A. 1139 East 28th, Erie, Pennsylvania.

1 Q. And where are you employed, Mr. Lewandowski?

2 A. I'm employed with the Soil Conservation Service,
3 Department of Agriculture.

4 Q. And where is your office located?

5 A. It's in Waterford on Route 19, RD#5, Route 19,
6 Waterford.

7 Q. And what is your job with the Soil Conservation
8 Service?

9 A. I'm a conservation technician. I do all the
10 layout work pretty much in the Erie County area of
11 conservation practices.

12 Q. And how long have you been doing that particular
13 work?

14 A. Going on thirty-four years.

15 Q. Thirty-four years? And can you just generally
16 describe what your duties are in that position?

17 A. Well, one of the major practices in Erie County
18 is tile drainage and I do a lot of layouts and designs of
19 those practices. And we do -- we build waterways and
20 terraces and conservation ponds for stock water.

21 Q. Is the function of your work out of your office
22 to advise farmers as to those particular activities, the
23 drainages?

24 A. Yes.

25 Q. Have you been doing this work for thirty-four

1 years?

2 A. Yes.

3 Q. Prior to going with the Soil Conservation
4 Service, what did you do? Thirty-four years.

5 A. Well, I did this --

6 Q. Did you farm?

7 A. No, I never farmed, no.

8 Q. All right. Has your work been, in your service
9 with the Soil Conservation Service, in Erie County?

10 A. Yes, only Erie.

11 Q. Only Erie County.

12 A. Correct.

13 Q. Do you know Robert Brace?

14 A. Yes.

15 Q. And how long have you known Mr. Brace?

16 A. Probably twenty years, I would say. That's just
17 an educated guess.

18 Q. And in your work, have you had occasion to be on
19 properties owned by Mr. Brace?

20 A. Yes.

21 Q. Are you familiar with all of his farm properties?

22 A. No, not all of them.

23 Q. Have you had occasion of going to a parcel of
24 property owned by Mr. Brace at the intersection of Greenlee
25 Road and South Hill Road?

1 A. Yes.

2 Q. You do know that intersection.

3 A. Yes.

4 Q. Have you been there very often, if you can
5 recall, in your work?

6 A. Probably a couple times, several times. Several
7 times, I would say.

8 Q. Were you requested by Mr. Brace to go there?

9 A. To layout some tile, yes.

10 Q. What is the procedure in your office? Does a
11 farmer come to your office and make a request for your
12 services?

13 A. Well, in this particular case, Mr. Brace, I guess
14 he applied for some cost sharing for this particular -- or, I
15 think -- for this particular job, and then through the ASCS
16 office. From them, I get a referral from them. And then I
17 contacted Mr. Brace or he contacted me to come out there and
18 lay out the job.

19 Q. The request for cost sharing, you said, was the
20 ASCS office. Can you tell us what that office is?

21 A. The Agriculture Stabilization and Conservation
22 office.

23 Q. And that is in Erie County also?

24 A. Yes.

25 Q. Are your offices situated in the same building

1 with the ASCS?

2 A. Now we are.

3 Q. In May of '87, were you? Do you recall?

4 A. Yes.

5 Q. All right. Is that the general procedure, or is
6 that one of the procedures?

7 A. That's one of them.

8 Q. I see. Do you recall laying out or designing an
9 underground draining system for Mr. Brace in 1977?

10 A. I do recall being there, laying it out, yes.

11 Q. Just a moment. Let me just get something to help
12 you with your memory. Mr. Lewandowski, I'm going to hand you
13 what has been marked in an earlier deposition as Defendant's
14 Exhibit C and ask you if you're familiar with that. It
15 consists of a form and some sketches. I'll ask you if you're
16 familiar with that.

17 MR. DANA: If you're going to have him
18 testify, could you remark it, please?

19 MR. WARD: I'll make a new mark. Yes, I'll
20 remark it. I just want to ask him if he's
21 familiar with that.

22 MR. DANA: Take your time.

23 A. Yes.

24 Q. You're familiar with that form and the sketches?

25 A. Yes.