

**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, and)	
ROBERT BRACE FARMS, Inc.,)	
)	
Defendants.)	

UNITED STATES’ MOTION FOR A PROTECTIVE ORDER

The United States respectfully moves this Court to issue a protective order limiting the scope of discovery pursuant to Federal Rule of Civil Procedure 26(c). As set forth in detail in the accompanying memorandum of law, Defendants Robert Brace and Robert Brace Farms, Inc. (“Defendants”) seek discovery on matters that are not relevant to the United States’ Motion to Enforce the Consent Decree or any defenses Defendants may raise or proportional to the needs of the case. Rather, Defendants’ discovery requests are aimed at challenging the settled facts, legal rulings, and judicial orders in this case. Consequently, because Defendants seek discovery that is barred as a matter of law, the United States seeks a protective order:

- a. barring Defendants from seeking discovery regarding the alleged ambiguity of the 1996 Consent Decree, including any discovery that predates or that concerns individuals whose participation in this matter concluded before January 14, 2005;
- b. barring Defendants from seeking discovery regarding the Consent Decree area’s designation under the Food Security Act of 1985, 16 U.S.C. §§ 3801, et seq. as determined by the United States Department of Agriculture.

c. barring Defendants from seeking discovery regarding the Consent Decree area's status as a wetland and/or "water of the United States" under the Clean Water Act, 33 U.S.C. U.S.C. §§ 1251, et seq.

CONCLUSION

For these reasons and those set forth in the accompanying memorandum, the United States respectfully requests that the Court grant its Motion and issue an appropriate protective order.

Respectfully submitted,

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Dated: October 1, 2017

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2017, I served the foregoing United States' Motion for a Protective Order to the following counsel for Defendants via ECF:

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