

EXHIBIT

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAND O'LAKES, INC., and
CUSHING, OKLAHOMA
BROWNFIELDS, LLC,

Defendants.

5:16-cv-00170-PRW

**JOINT STATUS REPORT AND
NOTICE OF SETTLEMENT-IN-PRINCIPLE**

As described in further detail below, Plaintiff United States and Defendants Land O'Lakes, Inc. and Cushing, Oklahoma Brownfields, LLC (collectively, the "Parties") announce to the Court that they have reached an agreement in principle to resolve the United States' claims in this case. The Parties will be working over the next few weeks to finalize, and lodge with the Court, a consent decree that will memorialize all necessary terms for a settlement. Accordingly, the Parties jointly request that the Court remove this matter from the July 13, 2021 Non-Jury Trial Docket and strike all deadlines. In support hereof, the Parties state that:

1. On March 24, 2021, the Parties jointly moved to temporarily stay all proceedings, including the May trial setting and all trial-related deadlines, for sixty (60) days while the Parties completed advanced settlement discussions (Dkt. 151). At the conclusion of further settlement discussions and/or the sixty (60) day period, whichever came sooner, the Parties agreed to jointly report to the Court the status of this matter. *Id.*

2. On March 31, 2021, the Court granted in part the Parties' Motion (Dkt. 152) and stayed all trial-related deadlines set forth in the Order Granting the Parties' Joint Motion to Enter Eighth Amended Case Management Scheduling Order (Dkt. 149), with the exception of the trial setting.

3. On April 29, 2021, the Court struck the trial setting from the Court's May 2021 trial docket (Dkt. 153), and on May 3, 2021 reset this matter on the Court's July 2021 trial docket (Dkt. 154). On May 10, 2021, the Court placed this matter on the Non-Jury Docket for Tuesday, July 13, 2021 (Dkt. 155).

4. The Parties have now reached an agreement on the key terms of settlement – the amount of response costs that Land O'Lakes will pay and the dismissal of its Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") § 106(b) Petition currently pending before the U.S. Environmental Protection Agency's Environmental Appeals Board – and respectfully request that the Court remove this matter from the July 13, 2021 Non-Jury Trial Docket and strike all deadlines.

5. The Parties are now working together to finalize a proposed consent decree that sets forth the complete terms of the Parties' settlement. That consent decree is subject to the following procedural requirements set forth by statute and regulation: it must be approved by higher-level Department of Justice officials, lodged with this Court, and notice of the consent decree must be published in the Federal Register opening a 30-day public comment period. After consideration of any public comments received, the United States will, if appropriate, move this Court to enter the consent decree as fair, reasonable, and

consistent with CERCLA. Accordingly, the Parties request this matter not be closed until the Court enters the anticipated consent decree.

Respectfully submitted,

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