

EXHIBIT 1

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

LAND O'LAKES, INC.

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 5:15-CV-00683-R

**PLAINTIFF'S AGREED MOTION FOR EXTENSION OF TIME
TO RESPOND TO MOTION TO DISMISS**

Plaintiff, Land O'Lakes, Inc., in accordance with Local Rule 7.1(h), hereby moves for an extension of time, until December 21, 2015, to respond to the Defendant's Motion to Dismiss.

1. Plaintiff's response is currently due to be filed on November 12, 2015.
2. This is Plaintiff's first request for an extension of time to respond to Defendant's Motion to Dismiss.
3. In August, 2015 counsel for the Defendant United States and Plaintiff Land O'Lakes, Inc. agreed upon a schedule for responding to the initial pleadings of the other party, to be proposed to the Court through a series of agreed motions. The specific time frames for mutually-agreed extensions were based on the nature of the initial pleadings to be filed in the future. Pursuant to this agreement the United States filed an agreed motion to extend the date for responding to the Complaint until September 23 (Doc. 018). Land

O'Lakes then filed an agreed motion for leave to file a First Amended Complaint no later than September 20 (Doc.020). Next, pursuant to the agreement, United States filed an agreed motion to extend the time for responding to the First Amended Complaint until October 23 (Doc.023). The Court granted all of the foregoing agreed motions. (Docs. 019, 021, and 024.) The final component of the parties August scheduling agreement provided that if the United States filed a dispositive motion (rather than an Answer) in response to the First Amended Complaint, the United States would agree to allow Land O'Lakes 60 days to respond.

4. Plaintiff does not make this motion for purposes of delay. Rather, Plaintiff requests this additional time because the United States' dispositive motion includes novel claims and raises important legal and policy issues, and additional time is needed to prepare Plaintiff's response thereto.

5. Defendant's counsel, Scott Cernich, consented to this extension of time by e-mail on August 11, 2015.

6. The court has not placed this matter on the trial docket, and no pretrial deadlines have been scheduled. The granting of the requested extension will not affect the trial or other deadlines in this matter.

7. Plaintiff requests an extension of 39 days, or until December 21, 2015, in which to file its Response to Defendant's Motion to Dismiss.

Respectfully submitted,

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Attorneys for Plaintiff Land O'Lakes, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of October, 2015, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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/s/ Mark D. Coldiron

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