

**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

In re:	)	
	)	
Land O'Lakes, Inc. (Hudson Oil Refinery Superfund Site)	)	CERCLA § 106(b) Petition No. 15-01
	)	
Docket No. 06-16-08	)	
	)	

**JOINT STATUS REPORT**

Pursuant to the Environmental Appeals Board's ("Board") April 10, 2018 Fourth Order Continuing the Stay of Proceedings and Requiring Additional Status Reports in this matter and the January 31, 2019 Order Extending Deadline for Status Report, the parties, by and through their counsel, respectfully provide this seventeenth status report.

There are no changes to report from the sixteenth Joint Status Report filed on October 1, 2019, which is attached hereto as **Exhibit A**.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 3, 2020, service of the seventeenth Joint Status Report was made by electronic mail and U.S. Mail upon the following:

Eurika Durr  
Clerk of the Board  
U.S. Environmental Protection  
Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
WJC East, Room 3332  
Washington, D.C. 20460-0006

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*/s/ Stephen L. Jantzen*

Stephen L. Jantzen

**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

_____	)	
In re:	)	
Land O'Lakes, Inc. (Hudson Oil Refinery	)	CERCLA § 106(b) Petition No. 15-01
Superfund Site)	)	
Docket No. 06-16-08	)	
_____	)	

**JOINT STATUS REPORT**

Pursuant to the Environmental Appeals Board's ("Board") April 10, 2018 Fourth Order Continuing the Stay of Proceedings and Requiring Additional Status Reports in this matter and the January 31, 2019 Order Extending Deadline for Status Report, the parties, by and through their counsel, respectfully provide this sixteenth status report.

There has been one change to report from the fifteenth Joint Status Report filed on July 1, 2019, and it is in regard to the Case Management Scheduling Order in the Cost Recovery Case.

1. On September 23, 2019, the Court granted the parties' September 21, 2019 Joint Motion to Enter Fifth Amended Case Management Scheduling Order to reflect an agreed extension of expert discovery, and setting subsequent pre-trial schedule deadlines and a trial date of September 8, 2020. A copy of the September 23, 2019 Order is attached as **Exhibit 1**.

**EXHIBIT A**

Respectfully submitted,

/s/ Clarence Featherson

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 1, 2019, service of the Sixteenth Joint Status Report was made by electronic mail and U.S. Mail upon the following:

Eurika Durr  
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U.S. Environmental Protection  
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*/s/ Stephen L. Jantzen*

Stephen L. Jantzen

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

CIV-16-170-PRW

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

Defendant.

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**ORDER**

Before the Court is the Parties' Joint Motion to Enter Fifth Amended Case Management Scheduling Order (Dkt. 108). For good cause shown, the Court **GRANTS** the Joint Motion to Enter Fifth Amended Case Management Scheduling Order as set forth herein:

Item	Deadline
Deadline for Plaintiff's rebuttal expert reports limited to Defendants' initial expert reports	October 30, 2019
Expert depositions commence	December 16, 2019
Expert depositions concluded	April 3, 2020
All discovery closed	April 3, 2020
Dispositive/Daubert Motions filed	May 29, 2020
Dispositive/Daubert Oppositions filed	June 30, 2020

Item	Deadline
Dispositive/Daubert Replies filed	July 17, 2020
Designation of deposition testimony to be used at trial	August 20, 2020
Objections to designation of deposition testimony and counter designations of deposition testimony	August 27, 2020
Objections to counter designations of deposition testimony	7 days after filing of relevant counter designation
Motions in limine <sup>1</sup>	August 20, 2020
Requested voir dire	August 20, 2020
Trial briefs (optional unless otherwise ordered)	August 20, 2020
Requested jury instructions <sup>2</sup>	August 20, 2020
Proposed findings and conclusions of law	August 20, 2020
Any objections or responses to motions in limine, voir dire, trial briefs, or jury instructions	7 days after filing of relevant trial submission
The Final Pretrial Report, approved by all counsel, and in full compliance with Local Rules, together with a proposed order approving the report	August 20, 2020
Trial	September 2020 <sup>3</sup>

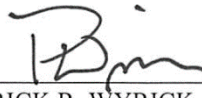
<sup>1</sup> No replies to motions in limine shall be filed without leave of Court.

<sup>2</sup> In addition to filing, the parties **ARE REQUIRED** to submit their proposed jury instructions or in non-jury cases the proposed findings and conclusions of law in **Word** format to the judge via the Court's designated mail box: [wyrick-orders@okwd.uscourts.gov](mailto:wyrick-orders@okwd.uscourts.gov)

<sup>3</sup> Trial dockets generally begin the second Tuesday of each month; however, this practice varies, particularly during holidays. The published trial docket will announce the trial setting.



**IT IS SO ORDERED this 23rd day of September, 2019.**

A handwritten signature in black ink, appearing to read 'P. Wyrick', written above a horizontal line.

PATRICK R. WYRICK  
UNITED STATES DISTRICT JUDGE