

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

In the Matter of:

HUDSON OIL REFINERY SUPERFUND SITE

Land O'Lakes, Inc., Petitioner.

CERCLA § 106(b)
Petition No. 15-01

Unilateral Administrative Order
U.S. EPA Region 6
CERCLA Docket No. 06-16-08

NOTICE REGARDING DISTRICT COURT CASE FILING

Pursuant to the Environmental Appeals Board's ("Board") September 18, 2015, Order Directing Timely Filing of Pleading and Clarification of Status of Documents ("Order"), the Petitioner, Land O'Lakes, Inc. ("Land O'Lakes"), by and through its counsel, respectfully provides the Board with this Notice Regarding District Court Case Filing ("Notice") in regard to *Land O'Lakes, Inc. v. United States of America*, Case No. 15-CV-00683-R, before the Western District of Oklahoma ("District Court Case").

As part of this response to the Board's Orders, the following filing from the District Court Case is being provided with this Notice:

Order denying Motion for Leave to File Surreply

Exhibit 1

Respectfully submitted,



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CERTIFICATE OF SERVICE

Pursuant to Revised Guidance on Procedures for Submission and Review of CERCLA Section 106(b) Reimbursement Petitions, Environmental Appeals Board (February 23, 2012), the undersigned hereby certifies that the above and foregoing was electronically filed with the Clerk of the Environmental Appeals Board on this 8th day of February, 2016.

In addition, on this same date, a true and correct copy was sent by US Mail to the following:

George Malone
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Suite 1200
Dallas, TX 75202

Clarence Featherson
Office of Enforcement and Compliance
Assurance
U.S. EPA (2272A)
1200 Pennsylvania Avenue NW
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Attorney for Petitioner

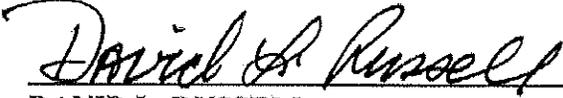
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

LAND O' LAKES, INC.)	
)	
Plaintiff,)	Case No. 5:15-cv-0683-R
)	
vs.)	JUDGE DAVID L. RUSSELL
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER

Plaintiff has filed a motion for leave to file a surreply. Defendant opposes the motion because Plaintiff has failed to address any new matters presented by the reply, having already taken the position that cleanup activities at the subject site have been completed. *See* Doc. No. 28 at pp. 7-11. Accordingly, Plaintiff's motion to file its proposed surreply is DENIED.

IT IS SO ORDERED this 5th day of February, 2016



 DAVID L. RUSSELL
 UNITED STATES DISTRICT JUDGE