#### BEFORE THE ENVIRONMENTAL APPPEALS BOARD

### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

#### WASHINGTON, D.C.

IN RE:	•	<del></del>	)				
Hudson Refinery			)			n No. 15	
Superfund Site			)		CERC	LA 106(	(0)
Cushing, Oklahoma,			) ) )			legion 6 LA-06-1	Docket No 16-08
Land O' Lakes, Inc.,	٠		)				
Petitioner			)	:			
Petition for Reimbursement Under Section 106(b)(2) of the Comprehensive Environmental Response, Compensation,			) ) )				
and Liability Act of 1980, as amended 42 U.S.C § 9606(b)(2)			) )				•

#### RESPONDENT'S NOTICE OF DISTRICT COURT FILINGS

#### I. Notice

The Respondent, the United States Environmental Protection Agency, Region 6 ("EPA" or the "Region"), by and through its Office of Regional Counsel, hereby provides the Environmental Appeals Board ("Board") with notice of filings by the Respondent in Land O' Lakes v. United States, No. 5:15-cv-0683-R (Western Dist. Okla. filed June 23, 2015).

#### II. Respondent's Filings

In accordance with the Board's September 18, 2015, Order, the following document was filed on behalf of the United States in the Western District Court litigation:

Attachment 1 – Agreed Motion of Defendant for an Extension of Time.

Dated this 28th day of December 2015.

Respectfully submitted:

By:

George Malone, III
Assistant Regional Counsel, Office of Regional Counsel (6RC-S) U.S. EPA, Region 6 1445 Ross Avenue Dallas, TX 75202-2733

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Clarence Featherson

Office of Enforcement and Compliance Assurance

U.S. EPA (2272A)

1200 Pennsylvania Ave., NW Washington, D.C. 20460

202.564.4234

FAX 202.501.0269

### CERTIFICATE OF SERVICE

I hereby certify that on the 28th of December 2015, I served a true and correct copy of the above Notice by mailing a copy via first class United States Mail to:

Byron E. Starns, Esq. Stinson Leonard Street LLP 150 South Fifth Street, Suite 2300 Minneapolis, MN 55402

George Malone, III

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

LAND O' LAKES, INC.	} Attachment,			
Plaintiff,	)			
vs.	) ) JUDGE DAVID L. RUSSELL			
UNITED STATES OF AMERICA,	)			
Defendant.	) )			

# AGREED MOTION OF DEFENDANT FOR EXTENSION OF TIME TO FILE REPLY IN SUPPORT OF MOTION TO DISMISS

In accordance with Local Rule 7.1(h), Defendant, the United States of America, hereby moves for an extension of time, until January 22, 2015, to file a Reply in support of its Motion to Dismiss Plaintiff's First Amended Complaint. Defendant's Reply currently is due to be filed on December 28, 2015. This Motion is Defendant's first request for an extension of time to file its Reply. Plaintiff's counsel, Byron Starns, consented to this extension of time by e-mail on December 17, 2015.

Defendant does not make this Motion for purposes of delay. Rather, Plaintiff filed its Response to Defendant's Motion to Dismiss on December 18, 2015, shortly before the Christmas and New Year holidays when Defendant's counsel, representatives, and management will be on leave for significant periods of time. Defendant requests this extension that the Reply can be prepared and approved after its counsel, representatives, and management have returned from holiday leave. In addition, the court has not yet scheduled a trial or any pretrial deadlines, so the

granting of this Motion will not affect any case deadlines.

#### FOR THE UNITED STATES

JOHN C. CRUDEN Assistant Attorney General Environment and Natural Resources Division

/s/ John E. Sullivan

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SCOTT M. CERNICH (D.C. Bar No. 479851)
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Telephone: (202) 514-0056

Counsel for Defendant

## CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing Agreed Motion for Extension of Time was served by electronic filing through PACER upon all counsel of record on December 28, 2015.

/s/ John E. Sullivan
John E. Sullivan

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

No. of the Control of					
LAND O' LAKES, INC.	)				
Plaintiff,	) ) Case No. 5:15-cv-0683-R				
vs.	) } JUDGE DAVID L. RUSSELL				
UNITED STATES OF AMERICA,	)				
Defendant.	)				
OI	RDER				
Upon consideration of Defendant's Agr	eed Motion for Extension of Time to File a Reply				
in support of its Motion to Dismiss Plaintiff's F	First Amended Complaint, which Plaintiff's				
counsel has agreed to, it is hereby					
ORDERED that Defendant's Agreed M	lotion for Extension of Time to File a Reply in				
support of its Motion to Dismiss Plaintiff's Firs	st Amended Complaint is GRANTED; and it is				
further					
ORDERED that Defendant shall have a	in extension of time through and until January 22,				
2016, to file a Reply in support of its Motion to	Dismiss Plaintiff's First Amended Complaint.				
	Judge David L. Russell United States District Judge				
Dated:					