IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:05-cv-00329-JOE-SAJ
	)	
TYSON FOODS, INC., *et al.*,	)	
	)	
Defendants.	)	

STATE OF OKLAHOMA'S MOTION FOR LEAVE TO FILE A SUPPLEMENTAL BRIEF IN OPPOSITION TO "TYSON POULTRY, INC.'S MOTION TO DISMISS COUNT 3 OF PLAINTIFFS' FIRST AMENDED COMPLAINT"

COMES NOW Plaintiff, the State of Oklahoma, ex rel. W.A. Drew Edmondson in his capacity as Attorney General of the State of Oklahoma and Oklahoma Secretary of the Environment C. Miles Tolbert in his capacity as the Trustee for Natural Resources for the State of Oklahoma under CERCLA ("the State"), by and through counsel, and respectfully requests, pursuant to LCvR7.1(h), leave to file the attached supplemental brief in further opposition to Defendant Tyson Poultry, Inc.'s Motion to Dismiss Count 3 of Plaintiffs' First Amended Complaint (Dkt. No. 64).

Specifically, Tyson Poultry, Inc.'s Reply in Support of its Motion to Dismiss Count 3 of Plaintiffs' First Amended Complaint (Dkt. No. 145) makes certain legal contentions that are unsupported by the law. The State thus seeks leave to clarify and correct the record as to these certain legal contentions. This need for clarification is underscored by the complexity of the legal issues being placed before the Court for resolution and the overarching public import of the issues raised by this litigation.

The undersigned counsel for the State has consulted with Stephen L. Jantzen, counsel of record for Tyson Poultry, Inc., and is informed that Tyson Poultry, Inc. objects to the requested leave.

WHEREFORE, the State moves this Court for an Order granting its Motion for Leave to File a Supplemental Brief in Opposition to Tyson Poultry, Inc.'s Motion to Dismiss Count 3 of Plaintiffs' First Amended Complaint.

Respectfully submitted,

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December 16, 2005

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2005, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the electronic records currently on file, the Clerk of Court will transmit a Notice of Electronic filing to the following ECF registrants:

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