AO 441 (Rev. 5/85) Third Party summons in a Civil Action

United States District Court

Northern District of Oklahoma

STATE OF OKLHOAMA, ex rel., et al.
PLAINTIFF

v.

TYSON FOODS, INC. et al.
DEFENDANTS AND THIRD-PARTY PLAINTIFFS

v.

City of Tahlequah, et al.
THIRD PARTY DEFENDANTS

THIRD PARTY SUMMONS IN A CIVIL ACTION

CASE NUMBER: 05-CV-0329-JOE-SAJ

To: **Joe Ann Fleig, Town Clerk-Treasurer Service agent for**
City of Westville
P.O. Box 146, 221 Williams,
Westville OK 74965

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

PLAINTIFF ATTORNEY

Douglas Allen Wilson
Melvin David Riggs
Richard T. Garren
Sharon K. Weaver
Riggs Abney Neal Turpen Orbison & Lewis
502 West 6th Street
Tulsa, OK 74119-1010

DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEYS:

A. Scott McDaniel
Joyce, Paul & McDaniel PLLC
1717 South Boulder, Suite 200
Tulsa, OK 74119
For Peterson Farms

Robert W. George
Kutack Rock LLP
The Three Sisters Building
214 West Dickson Street
Fayetteville, AR 72701-5221
For Tyson Foods, Inc.

R. Thomas Lay
Kerr, Irvine, Rhodes & Ables
201 Robert S. Kerr Ave., Suite 600
Oklahoma City, OK 73102
For Willow Brook Foods, Inc.

Robert P. Redemann
Lawrence W. Zeringue
David C .Senger
Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC
P. O. Box 1710
Tulsa, OK 74101-1710
For Cal-Maine Foods, Inc.

George W. Owens
Randall E. Rose
The Owens Law Firm, P.C.
234 West 13th Street
Tulsa, OK 74119
For George's Inc.

John R. Elrod
Vicki Bronson
Conner & Winters, P.C.
100 West Center Street, Suite 200
Fayetteville, AR 72701
For Simmons Foods, Inc.

an answer to the Third-Party Complaint which is herewith served upon you within **20 days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint. There is also served upon you herewith a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiff's Complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the Third-Party Plaintiff is demanding judgment against you in favor of the original Plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff.

Phil Lombardi
Clerk

JAN 6 2006
Date

(By) DEPUTY CLERK

AO 441 (Rev. 5/85) Third Party Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me[1]	DATE 1/7/06
NAME OF SERVER Elizabeth Trotta	TITLE Paralegal

Check one box below to indicate appropriate method of service

☐ Served personally upon the third-party defendant. Place where served: _____

☐ Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

☐ Returned unexecuted: _____

☒ Other (specify): Certified Mail Return Receipt

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 1/16/2006 (Date), Elizabeth Trotta (Signature of Server)

1717 South Boulder, Suite 200, Tulsa OK 74119
Address of Server

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jo Ann Fleig
City of Westville
P.O. Box 146
Westville OK 74965

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X JoeAnn Fleig ☒ Agent ☐ Addressee

B. Received by (*Printed Name*) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

WESTVILLE OK 74965 JAN 07 2006 USPS

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number
(*Transfer from service label*) 7005 1160 0003 4795 7304

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540