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-** TCK-SAJ

To: **John W. Adair individually**
**Rt 2 Box 1160,**
**Stilwell OK 74960**

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

| **PLAINTIFF ATTORNEY** | **DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEYS:** | |
|---|---|---|
| Douglas Allen Wilson<br>Melvin David Riggs<br>Richard T. Garren<br>Sharon K. Weaver<br>Riggs Abney Neal Turpen Orbison & Lewis<br>502 West 6th Street<br>Tulsa, OK 74119-1010 | A. Scott McDaniel<br>Joyce, Paul & McDaniel PLLC<br>1717 South Boulder, Suite 200<br>Tulsa, OK 74119<br>For Peterson Farms<br><br>Robert W. George<br>Kutack Rock LLP<br>The Three Sisters Building<br>214 West Dickson Street<br>Fayetteville, AR 72701-5221<br>For Tyson Foods, Inc.<br><br>R. Thomas Lay<br>Kerr, Irvine, Rhodes & Ables<br>201 Robert S. Kerr Ave., Suite 600<br>Oklahoma City, OK 73102<br>For Willow Brook Foods, Inc. | Robert P. Redemann<br>Lawrence W. Zeringue<br>David C .Senger<br>Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC<br>P. O. Box 1710<br>Tulsa, OK 74101-1710<br>For Cal-Maine Foods, Inc.<br><br>George W. Owens<br>Randall E. Rose<br>The Owens Law Firm, P.C.<br>234 West 13th Street<br>Tulsa, OK 74119<br>For George's Inc.<br><br>John R. Elrod<br>Vicki Bronson<br>Conner & Winters, P.C.<br>100 West Center Street, Suite 200<br>Fayetteville, AR 72701<br>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

MAR 1 5 2006
Date

(By) DEPUTY CLERK

## RETURN OF SERVICE

| | |
|---|---|
| Service of the Summons and complaint was made by me[1] | DATE 3-24-06 |
| NAME OF SERVER *(PRINT)* ART HIGLEY | TITLE PROCESS SERVER |

*Check one box below to indicate appropriate method of service*

- [x] 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):

## 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 3-24-06 (Date) Art Higley (*Signature of Server*)

*Address of Server*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.