CM 820
APR 18 2006

AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF OKLAHOMA

State of Oklahoma, Inc., et al.
V.
Tyson Foods, Inc. et al.

SUBPOENA IN A CIVIL CASE

Case Number:[1] 4:05-CV-00329-TCK-SAJ
No. Dist. Okla.

TO: Hudson Farms, Inc.
c/o The Corporation Company
735 First National Building
Oklahoma City, Ok 73102

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME

☑ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
The attached legal description and Sampling Request	May ~~April~~ 5, 2006 @ 9:00 a.m.

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
Attorney for Plaintiff	April 13, 2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
Richard T. Garren, OBA #3253, 502 W. 6th St., Tulsa, Ok 74119 918/587-3161

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

[1] If action is pending in district other than district of issuance, state district under case number

EXHIBIT
tabbies
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PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME) MANNER OF SERVICE

SERVED BY (PRINT NAME) TITLE

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 Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whio behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

109828

WARRANTY DEED

(Statutory Form)

FILED
ADAIR COUNTY, STILWELL, OK.
JUL 19 1985
IN BOOK 321 AT 3 HOUR 05 MINUTE
AARON L. BARTON, County Clerk
By _____ Deputy

KNOW ALL MEN BY THESE PRESENTS:

THAT Danny Smith and Arlene Smith, husband and wife

_____, parties of the first part, in consideration of the sum of One and no/100 _____ dollars, and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto HUDSON FARMS, INC.

_____, party of the second part, the following described real property and premises situate in ADAIR County, State of Oklahoma, to-wit:

The E½ of SE¼ of NW¼ and the SW¼ of NE¼ and the North 813 feet of the NW¼ of SE¼ and the North 813 feet of the East 506 feet of the E½ of NE¼ of SW¼ and that part of the E½ of NE¼ of NW¼ and that part of the NW¼ of NE¼ described as follows: Beginning at the SW corner of said E½ of NE¼ of NW¼, thence N. 0°09'W., 4.00 feet; thence N. 88°38'14" E., 661.79 feet; thence N. 88°53'51" E., 1323.45 feet; thence S. 0°05'59" E., 49.00 feet to the SE corner of said NW¼ of NE¼; thence N. 89°53'25" W., 1984.8 feet to the point of beginning. Section 18, Township 18 North, Range 26 East.

OKLAHOMA DOCUMENTARY $100.00 68602
OKLAHOMA DOCUMENTARY $20.00 376258
OKLAHOMA DOCUMENTARY $20.00 376242
OKLAHOMA DOCUMENTARY $3.00 106349
OKLAHOMA DOCUMENTARY $2.50 191012

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said party of the second part, its heirs and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and incumbrances of whatsoever nature.

Signed and delivered this 17th day of July, 19 85

Danny Smith
Arlene Smith

STATE OF OKLAHOMA
COUNTY OF ADAIR } SS:

INDIVIDUAL ACKNOWLEDGEMENT
(Oklahoma Form)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 17th day of July, 1985, personally appeared Danny Smith and Arlene Smith, husband and wife

to me known to be the identical person s who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

My commission expires 9/10/87

STATE OF OKLAHOMA
COUNTY OF ADAIR } ss
I hereby certify that the within and foregoing instrument is a true and correct copy of the records as shown in the office of the County Clerk in and for Adair County
Dated this 4th day of Oct 20 00
Carrie Phillips County Clerk
By _____ Clerk

Compliments of Chicago Title Insurance Company.

F. 2153

Waste Samples from Productions Facilities (Poultry Houses)

A total of 18 samples of waste will be collected from each house. The samples will be collected at regular intervals covering the total length of the facility using a zigzag pattern. Both litter and cake samples will be collected. A steel spade will be used to collect the samples and place them in a plastic bag contained inside a 5 gallon bucket. After collection of all the samples, the bag and bucket will be sealed. All sampling equipment and reusable personnel equipment will be decontaminated using water, phosphate free soap and 6 percent bleach.

Soil Samples from Waste Applied Fields

Equipment and personnel will be transported to the field in a truck or van. At each field between one and four sampling areas will be identified. Each of the sampling areas will be between one and ten acres in size. At each sampling area, a regular grid pattern of 20 sample locations will be established. At each of the 20 sampling locations, individual soil samples will be collected at three depths: 0 to 2 inches, 2 to 4 inches, and 4 to 6 inches. Individual samples will be placed in plastic bags with labels. All sampling equipment and reusable personnel equipment will be decontaminated between fields using water, phosphate free soap and 6 percent bleach.

Rainfall Runoff Samples

At or near the edge of fields where waste has been applied, rainfall runoff sampling locations will be selected. These locations will typically be low or sloped areas where water will runoff or accumulate. Where runoff water accumulates in a natural depression, the water may be sampled directly from these locations. Rainfall runoff sampling will be conducted from time to time through June 30, 2006 as rainfall events occur.

Groundwater Samples

Samples of groundwater will be collected using a hydraulic pushed sampling device (probe) mounted on the back of a van or truck. The small diameter probe (usually about two inches in diameter) will be pushed into the subsurface at selected locations on or near the edge of fields where waste has been applied. Groundwater will be collected using a small pump or by inserting a small tube inside the probe. At selected locations (up to three per field), a plastic pipe will be placed in the probe hole to allow repeated sampling of the groundwater. To stabilize the pipe, a small concrete pad will be placed around and over the pipe. If requested by the owner, the pad and pipe will be flush with the ground surface. If the probe cannot penetrate the subsurface, an auger drilling rig may be used. Upon completion the ground will be restored to preexisting condition. Grab sample method will be used to gather data from existing wells or springs using scientifically accepted collection procedures.