IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel, W.A. DREW EDMONDSON, in his capacity as ATTORNEY GENERAL OF THE STATE OF OKLAHOMA, et al. Plaintiffs, V. TYSON FOODS, INC., et al., Defendants. TYSON FOODS, INC., et al., Third Party Plaintiffs, V. CITY OF TAHLEQUAH, et al., Third Party Defendants,	No. 05-CV-329-TCK-SAJ

TRANSCRIPT OF PROCEEDINGS

HAD ON MARCH 23, 2006

MOTION HEARING

BEFORE THE HONORABLE SAM A. JOYNER, Magistrate Judge

EXHIBIT 4

Glen R. Dorrough
UNITED STATES COURT REPORTER

1 APPEARANCES:

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21 PROCEEDINGS

22 March 23, 2006

23 THE CLERK: 05-CV-329-TCK-SAJ, State of Oklahoma et
24 al., versus Tyson Foods, et al. Will counsel make their
25 appearance for the record, please.

1 MR. BULLOCK: Louis Bullock for the State of Oklahoma.
2 THE COURT: Thank you, Mr. Bullock.
3 MR. EDMONDSON: Drew Edmondson for the State of
4 Oklahoma.
5 THE COURT: Thank you.
6 MR. RIGGS: David Riggs for the State of Oklahoma.
7 MR. BAKER: Fred Baker for the State of Oklahoma.
8 MR. NANCE: Bob Nance for the State of Oklahoma.
9 MS. BURCH: Kelly Burch, State of Oklahoma.
10 MR. GARREN: And Richard Garren for the State of
11 Oklahoma.
12 THE COURT: Okay. Thank you. The other side, Mr.
13 Tucker.
14 MR. TUCKER: John Tucker for Cargill, Your Honor.
15 MR. JANTZEN: Stephen Jantzen appearing on behalf of
16 the various Tyson entities.
17 THE COURT: Okay.
18 MR. LAY: Tom Lay, Your Honor, appearing on behalf of
19 Willowbrook Foods.
20 MR. MCDANIEL: Good morning, Your Honor, Scott
21 McDaniel for Peterson Farms and also with me are Nicole
22 Longwell and Philip Hixon.
23 MR. GEORGE: Robert George appearing on behalf of the
24 Tyson defendants, Your Honor.
25 THE COURT: Okay.

1 THE CLERK: John Elrod for Simmons, Your Honor.
2 THE COURT: Mr. Elrod.
3 MR. REDEMANN: Robert Redemann for Cal-Maine.
4 MR. GRAVES: James Graves along with George Owens for
5 the George's defendants.
6 THE COURT: All right, is that everyone? Thank you,
7 counsel, I appreciate you making those appearances of record.
8 At least the first time it helps me to go through and put a
9 face with a name.
10 Welcome to today's hearing. I appreciate you mushing
11 through the mud and the snow if that was your burden this
12 morning. On this side of the bench we have Linda Collins, the
13 courtroom deputy, Glen Dorrough the court reporter, and we need
14 to be sensitive to his needs as we proceed, and Tammy Barrett
15 is the law clerk that has been working on this case.
16 It's good to see the Attorney General, that we can
17 have him with us today. It's good to see that he does some of
18 his own lawyering on occasion. I'm sure that's not an
19 opportunity you get as much as you wish, but it's good to have
20 you and other counsel here as well.
21 I suppose we should on the record defer any chicken
22 jokes so nobody will be tempted as we proceed. I guess there
23 is one joke I've got to the tell, maybe to the Attorney
24 General. Everybody else has been here so much in connection
25 with the chicken cases and in CFS as well. This is very

1 putting a pipe into that tube, you can then suck up the
2 groundwater, a sample of the groundwater. And then what we
3 will have to sort out -- and I know there will be a fight over
4 it -- what we would like to do is to establish some small
5 places in some of these fields where we could come back
6 repeatedly and take groundwater samples. That's a fight that
7 we believe is for another day but we certainly can discuss
8 that.
9 Those are the things that we want to do.
10 THE COURT: Your protocol, I don't want to interrupt
11 you, but when you are through talking about the protocol I
12 thought we needed to visit for a few moments.
13 MR. BULLOCK: Okay.
14 THE COURT: Obviously, this protocol is going to
15 become very important in this whole process, the specific, and
16 the devil is in the details. You've got four different areas
17 in which you want to sample. The first deals with poultry
18 houses only. The last three deal with fields on which litter
19 has been spread; is that correct?
20 MR. BULLOCK: Yes.
21 THE COURT: Okay. How are you going to know which
22 fields have had litter spread upon them?
23 MR. BULLOCK: Well, there's two ways that we can do
24 that. One way is the way that we have done it in the past and
25 that is by observation, by people out in the field who see it