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 and OKLAHOMA SECRETARY OF THE ENVIRONMENT C. MILES TOLBERT, in his capacity as the TRUSTEE FOR NATURAL RESOURCES FOR THE STATE OF OKLAHOMA **PLAINTIFFS**

v. **CASE NO.: 05-CV-0329 JOE-TCK**

TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC., COBB-VANTRESS, INC., AVIAGEN, INC., CAL-MAINE FOODS, INC., CAL-MAINE FARMS, INC. CARGILL, INC., CARGILL TURKEY PRODUCTION, LCC, GEORGE'S, INC., GEORGE'S FARMS, INC., PETERSON FARMS, INC. SIMMONS FOODS, INC., and WILLOW BROOK FOODS, INC. **DEFENDANTS**

AFFIDAVIT OF PATRICK PILKINGTON

I, Dr. Patrick Pilkington, having been duly sworn, under oath, state that the following facts are true and correct to the best of my knowledge, information, and belief:

1. I am an individual over the age of eighteen (18) years. The facts set forth herein are based upon my personal knowledge. I would be willing and able to testify thereto if and when called upon to do so.

2. From 2001 until the present, I have held the position of Vice President of Live Production Services for Tyson Foods, Inc. Additionally, I am a licensed veterinarian.

3. As Vice President of Live Production Services, I am actively involved in the formulation, adoption, and revision of Tyson Foods, Inc.'s biosecurity policies.

EXHIBIT
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4. I have reviewed Exhibit 4 to the Motion for Protective Order filed on May 4, 2006, in this action and can attest that Exhibit 4 contains a true and correct copy of the biosecurity policies that Tyson has determined to be necessary and appropriate to minimize the risk of transmission of bird diseases.

5. Currently, all farms under contract with Tyson in the Illinois River Watershed are under a heightened biosecurity status due to the concerns of the public and government officials relating to bird diseases such as Avian Influenza (AI) and Infectious Laryngotracheitis (LT). Biosecurity for the area was in a heightened status for all farms by November 4, 2005. The decision to move to a heightened biosecurity status was not in any way related to this lawsuit.

6. When such a heightened biosecurity status is in effect, Tyson's biosecurity policies prohibit, among other things, the entry of farms under contract with Tyson by non-essential personnel who have been on any other poultry farm within the previous seventy-two hours.

7. Certain poultry diseases, such as Infectious Laryngotracheitis (LT), can be transferred through contact with manure, feathers and bedding material, rather than requiring contact with live poultry.

8. Consequently, Tyson's February 2006 revisions to its biosecurity policies, and all other revisions that have been made in the past or may be made in the future, to its biosecurity protocols reflect Tyson's decision that its biosecurity protocols needed to be updated in light of changed conditions and in an effort to best protect the health of its birds. Tyson's February 2006 revisions were in no way motivated by or related to this lawsuit.

Dr. Patrick Pilkington

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

SUBSCRIBED AND SWORN to before me, a notary public, on this 15 day of May, 2006.

Notary Public

My Commission Expires:

1/6/2016

Rhonda Tyler
Com. Exp.
Notary
Public
01/06/2016
Benton County, Arkansas