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: **Carl Merseburgh individually**
10942 S. Darlington Ave.,
Tulsa OK 74137

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

S. McDal
(By) DEPUTY CLERK

MAR 1 5 2006
Date

RETURN OF SERVICE

Service of the Summons and complaint was made by me[1]	DATE
NAME OF SERVER *(PRINT)* Lee Belmonte	TITLE Process Server

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: Deceased

☐ 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 4-2-06
Date

Signature of Server

BPI & ASSOCIATES, INC
PO BOX [illegible]
TULSA, OK [illegible]

Address of Server

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