UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

1. 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.	)	05-CV-0329 TCK-SAJ
1. TYSON FOODS, INC., 2. TYSON POULTRY, INC., 3. TYSON CHICKEN, INC., 4. COBB-VANTRESS, INC., 5. AVIAGEN, INC., 6. CAL-MAINE FOODS, INC., 7. CAL-MAINE FARMS, INC., 8. CARGILL, INC., 9. CARGILL TURKEY PRODUCTION, LLC, 10. GEORGE'S, INC., 11. GEORGE'S FARMS, INC., 12. PETERSON FARMS, INC., 13. SIMMONS FOODS, INC., and 14. WILLOW BROOK FOODS, INC.,	)	
Defendants.	)	
CARGILL TURKEY PRODUCTION, LLC,	)	
Third Party Plaintiff,	)	
v.	)	
CITY OF WESTVILLE AND CITY OF TAHLEQUAH,	)	
Third Party Defendants,	)	
and	)	
TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC.,	)	

EXHIBIT
3

COBB-VANTRESS, INC., GEORGE'S, INC., GEORGE'S FARMS, INC., PETERSON FARMS, INC., SIMMONS FOODS, INC., AND WILLOW BROOK FOODS, INC.,	)
Third Party Plaintiffs,	)
v.	)
CITY OF TAHLEQUAH, *ET AL.*,	)
Third Party Defendants.	)

CARGILL TURKEY PRODUCTION, LLC'S AMENDED FIRST INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFFS

Pursuant to FED.R.CIV.P., Rules 33 and 34, Separate Defendant Cargill Turkey Production, LLC ("Cargill Turkey") requests that Plaintiffs answer the following interrogatories and produce the following requested documents and information at the offices of counsel for Cargill Turkey Production, LLC, Rhodes, Hieronymus, Jones, Tucker & Gable, P.L.L.C., 100 W. 5th St., Ste. 400, Tulsa, Oklahoma, 74103 within 30 days of service hereof.

DEFINITIONS

"**Cargill Turkey**" or "**Any Cargill Entity**" means Cargill Turkey Production, LLC. and its affiliated companies (including but not limited to Cargill, Inc. and Cargill Meat Solutions Corporation), subsidiaries or divisions, and any employee, attorney, agent or other representative thereof.

"**Complaint**" or "**Amended Complaint**" refers to Plaintiffs' current, active pleading setting forth the basis for their claim(s) for relief which, at the date of service of these interrogatories and requests, is Plaintiffs' First Amended Complaint.

"**Document**" includes every item and form of data discoverable under the applicable statutes and Federal Rules of Civil Procedure. Document means the original (or an identical duplicate if the original is not available), and any non-identical copies (whether non-identical because of notes made on the copies or attached comments, annotations, marks, fax transmission notations, or highlighting of any kind), of writings of every kind that are fixed in any physical medium. Documents include files, folder tabs, and labels appended to or containing any Documents. Examples of Documents include, but are not limited to:

- maps and records
- audio recordings
- notes
- books
- brochures and pamphlets
- bulletins and circulars
- calendars and daily planners
- CD-ROMs, DVDs and computer discs (including hard drives)
- charts and tables
- contracts and agreement
- drafts and marginalia
- drawings
- e-mails (printed or stored on a computer)
- faxes and cover sheets
- financial statements and ledgers
- information provided by or to growers or grower associations
- invoices and receipts
- journals and logs
- notations of conversations or conferences
- photographs
- reports and studies
- soil type maps and information
- videotapes
- weather information reports
- work sheets

"**Elevated Levels**" means levels in excess of applicable federal or state standards.

"**Identify**" means, with respect to a natural person, to state the person's (a) full name, (b) employer and job title, (c) address, and (d) telephone number. With respect to an entity other than a natural person, "Identify" means to state the entity's (a) full official name, (b) mailing address, (c) address of principal place of business, and (d) telephone number.

"**Illinois River Watershed**" or "**IRW**" means the area referenced by Hydrologic Unit Code 11110103 which is geographically bounded by the Illinois River water basin down to and including Lake Tenkiller.

"**Person**" includes natural persons, firms, partnerships, associations, joint ventures, corporations, agencies, boards, authorities, commissions and any other form of legal entity.

"**Pollutant or Contaminant**" means any hazardous substance, pollutant, contaminant or other material alleged by You to have harmed the Illinois River Watershed as a result of poultry waste disposal operations, including but not limited to phosphorous / phosphorus compounds, nitrogen / nitrogen compounds, arsenic / arsenic compounds, zinc / zinc compounds, copper / copper compounds, hormones, and/or microbial pathogens.

"**You**" and "**Your**" means the State of Oklahoma, W.A. Drew Edmondson in his capacity as Attorney General of the State of Oklahoma, and the Oklahoma Secretary of the Environment C. Miles Tolbert in his capacity as Trustee for National Resources for the State of Oklahoma, including any municipality, agency, employee, attorney, agent or other representative thereof.

INSTRUCTIONS

1. Please refer to definitions when a defined term is used.

2. Unless otherwise indicated, words in the singular include the plural, and vice versa.

3. An Interrogatory or Request that uses the word "and" or the word "or," instead of the phrase "and/or" shall be construed as if it uses the phrase "and/or" if doing so would affect the breadth of the Interrogatory.

4. Please sequentially number each Document produced in response to these Interrogatories and Requests and specify which paragraph or subparagraph the Document relates to.

5. If You withhold any information on grounds of privilege (including but not limited to the attorney-client privilege and the attorney work-product doctrine), provide a privilege log identifying each withheld document and setting forth the privilege claimed, and describe in detail the facts upon which Your claim of privilege is based.

6. Unless otherwise indicated, these interrogatories and requests seek information and documents within the geographic region of the Illinois River Watershed.

7. Unless otherwise indicated, these interrogatories and requests seek information and documents from the time period 1952 to present, as that is the date range alleged by Plaintiffs to be appropriate for the purposes of discovery.

8. These Interrogatories and Requests are continuing in nature and should You discover additional information or Documents responsive to these Interrogatories or Requests at any time through trial, You are directed to promptly furnish such information or Documents to the undersigned. Cargill Turkey may object to any attempt by You to rely on or admit into evidence any information or Document encompassed by these Interrogatories or Requests but not timely produced.

INTERROGATORIES

Interrogatory No. 1: Please identify each tract of real property situated within the Illinois River Watershed currently owned, managed or controlled by the State, formerly owned, managed or controlled by the State, or real property in which the State owns, manages or controls any legal or equitable interest (including but not limited to, ownership in fee, surface ownership, mineral ownership, lease or license). For each tract of real property identified, please

provide the full legal description, address, the specific time periods that the State held the stated interest, and the nature of the interest held by the State.

Interrogatory No. 2: For each specific tract of real property identified in response to the foregoing Interrogatory, please identify the specific uses for and activities that have been conducted on each tract or real property during the period You owned, managed or controlled the interest.

Interrogatory No. 3: Please state the date (or year, if an exact date is not known) when You first became aware that poultry industry operations might be a potential source of:

a. phosphorous / phosphorus compounds;

b. nitrogen / nitrogen compounds;

c. arsenic / arsenic compounds;

d. zinc / zinc compounds;

e. copper / copper compounds;

f. hormones; and/or

g. microbial pathogens

in the Illinois River Watershed and discuss with particularity the facts, witnesses and/or documents leading to Your awareness.

Interrogatory No. 4: Please state the date (or year, if an exact date is not known) when You became aware that elevated levels of the Pollutants or Contaminants alleged in Your Complaint may be the cause of perceived environmental harm (including, but not limited to, impaired use and enjoyment, algae blooms, hypolimnetic anoxia, eutrophication, degradation in water quality and/or sediments, injury to biota, injury to terrestrial, aquatic and sediment species

and/or human injury) in the Illinois River Watershed and discuss with particularity the facts, witnesses and/or documents leading to Your awareness.

Interrogatory No. 5: Please describe all steps (including, but not limited to establishing water quality standards, negotiations and discussions with potential contributors, legal actions, threatened legal actions, administrative proceedings, threatened administrative proceedings, regulations or agency rule-making) You or the agencies of the State of Oklahoma have taken to address and/or "deal with" other sources of the Pollutants or Contaminants alleged in Your Complaint. *See* Transcript from March 23, 2006 hearing, Pp. 8-10, and in particular P. 9 "That is not to say that there aren't other sources of problems but the other sources of problems have been addressed and have been dealt with by agencies of government in the State of Oklahoma."

Interrogatory No. 6: For each step identified in response to Interrogatory No. 5, please state the reduction in each Pollutant or Contaminant that resulted.

Interrogatory No. 7: Please describe the trophic state of each lake or reservoir within the Illinois River Watershed for each season of the year since 1952, and in doing so, state all evidence and identify all documents that relate to any such trophic state, including, but not limited to sampling, analysis, reports, studies, findings recommendations, and the cause(s) for any observed eutrophication.

Interrogatory No. 8: Please identify all "federally approved water quality standards" for public and private water supplies that you state the three scenic rivers in the Illinois River Watershed have failed to meet. *See* Transcript of March 23, 2006 Hearing, P. 9.

Interrogatory No. 9: State completely and in detail the facts upon which you base the allegation in Your Amended Complaint at ¶ 53 that "[a]t many locations, phosphorus and other hazardous substances, pollutants and contaminants have built up in the soil to such an extent that, even without any additional application of poultry waste to the land, the excess residual phosphorus and other hazardous substances, pollutants and contaminants will continue to run-off and be released into the waters of the IRW in the future" and identify every witness upon whom You will rely to establish each fact.

Interrogatory No. 10: Provide a detailed description of the subjects of discoverable information held by each of the persons listed on Exhibit A of Your Initial Disclosures.

Interrogatory No. 11: Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in Count 9 of Your Amended Complaint that any Cargill entity is subject to Oklahoma Administrative Code, 35:17-3-14.

Interrogatory No. 12: Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in Count 9 of Your Amended Complaint that any Cargill entity violated Oklahoma Administrative Code, 35:17-3-14 and identify every witness upon whom You will rely to establish each fact.

Interrogatory No. 13: Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in ¶ 142 of Your Amended Complaint that any Cargill entity has "avoided the costs of properly managing and disposing of their poultry waste— not only to their enormous economic benefit and advantage, but also at great cost to the lands and waters comprising the IRW and at the expense of, and in violation of,

the State of Oklahoma's rights" and identify every witness upon whom You will rely to establish each fact.

Interrogatory No. 14: Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in ¶ 35 of Your Amended Complaint that "[t]he contracts establishing the growing arrangements between [any Cargill entity] and [its] poultry growers are presented to the poultry growers with no opportunity to negotiate their essential terms, and constitute contracts of adhesion" and identify every witness upon whom You will rely to establish each fact.

Interrogatory No. 15: Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegation in Your Amended Complaint at ¶ 51 that any Cargill entity "has long known that the application of its poultry waste to lands within the IRW, in the amounts that it is applied and with the frequency that it is applied, far exceeds the capacity of the soils and vegetation to absorb those nutrients present in the poultry waste" and identify every witness upon whom You will rely to establish each fact.

Interrogatory No. 16: Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegation in Your Amended Complaint at ¶ 54 that any Cargill entity "arranged for its respective growers to take possession of the poultry waste coming from its birds . . . with full knowledge that the growers were annually placing hundreds of thousands of tons of their poultry waste directly on the ground and that these actions would lead to the run off and release of phosphorus and other hazardous substances, pollutants and contaminants into the lands and waters of the IRW" and identify every witness upon whom You will rely to establish each fact.

Interrogatory No. 17: Separately for each Cargill entity at issue, state completely and in detail the facts upon which You base the allegation contained in Count 10 of Your Amended Complaint that any Cargill entity was unjustly enriched by the State of Oklahoma and identify every witness upon whom You will rely to establish each fact.

Interrogatory No. 18: Separately for each Cargill entity at issue, state completely and in detail the facts upon which You base the allegation contained in ¶¶ 107, 118, 126 of Your Amended Complaint that "Exemplary and punitive damages should ... be awarded" against any Cargill entity and identify every witness upon whom You will rely to establish each fact.

REQUESTS FOR PRODUCTION

Request for Production No. 1: Produce all documents identified or referenced in Your Answers to Cargill Turkey's First Interrogatories served contemporaneously herewith.

Request for Production No. 2: Produce all documents relied upon by You to prepare or support Your Answers to Cargill Turkey's First Interrogatories served contemporaneously herewith.

Request for Production No. 3: Produce all documents provided by You to any Expert You expect to call as a witness in the trial of this Lawsuit.

Request for Production No. 4: Produce all documents relating to the identification, determination, calculation and amount of damages You are seeking to recover in this Lawsuit.

Request for Production No. 5: Produce all documents relating to any exercise of eminent domain by the State with respect to any tract of real property situated in the Illinois River Watershed.

Request for Production No. 6: Produce all documents (including GIS electronic files and displays, maps, photographs and aerial photographs) that depict any portion of the Illinois River Watershed.

Request for Production No. 7: Produce all documents (including GIS electronic files and displays, maps, photographs and aerial photographs) that depict any poultry operations within the Illinois River Watershed.

Request for Production No. 8: Produce all documents (including GIS electronic files and displays, maps, photographs and aerial photographs) that depict any potential source of the Pollutants or Contaminants alleged in Your Complaint, including any transport pathway between the source and the waters of the Illinois River Watershed (including, but not limited to the public water supplies, Scenic Rivers and their tributaries, Lake Tenkiller and its tributaries).

Request for Production No. 9: Produce all documents relating to any poultry operation within the Illinois River Watershed.

Request for Production No. 10: Produce all documents relating to any communications between you and any current or former poultry grower or poultry intergrator in the Illinois River Watershed.

Request for Production No. 11: Produce all documents relating to the operations of any Third Party Defendant in this Lawsuit.

Request for Production No. 12: Produce all documents relating to any communications between You and any Third Party Defendant in this Lawsuit.

Request for Production No. 13: Produce all documents relating to any communications between You and any Federal Agency regarding either the Illinois River Watershed or any of Your allegations contained in the First Amended Complaint.

Request for Production No. 14: Produce all documents relating to any communications between You and any Agency, regulatory body, municipality, Public Trust or Authority, or any other governmental entity of any State regarding either the Illinois River Watershed or any of Your allegations contained in the First Amended Complaint.

Request for Production No. 15: Produce all documents relating to the volume or number of poultry operations within the Illinois River Watershed since 1952.

Request for Production No. 16: Produce all documents relating to the application or deposition of fertilizer or nutrients of any type on the surface of any lands located within the Illinois River Watershed.

Request for Production No. 17: Produce all documents relating to the State's interest in the tracts of real property identified in response to Interrogatory No. 1.

Request for Production No. 18: Produce all documents relating to any concerns or complaints (formal or informal) from any person, Entity or Agency relating to the collection, disposal of, handling, treatment, arranging, or storage of any type of water material (including, but not limited to solid wastes, semi-solid wastes, liquid wastes, industrial wastes, hazardous wastes, municipal, or household waste water, grey water, sewage, or effluent of any type) on any tract of real property identified in response to Interrogatory No 1.

Request for Production No. 19: Produce all documents relating to the specific uses and activities conducted on each tract of real property identified in response to Interrogatory No. 2.

Request for Production No. 20: Produce all documents relating to any animal census or survey that encompasses any portion of the Illinois River Watershed.

Request for Production No. 21: Produce any documents relating to complaints by any person or Entity regarding the quality or aesthetics of the waters located in the Illinois River Watershed.

Request for Production No. 22: Produce any documents (other than those produced to You by any Defendant during the course of the Lawsuit) relating to any alleged growth/expansion or decline/reduction of poultry operations within the Illinois River Watershed.

Request for Production No. 23: Produce any documents (other than those produced to You by any Defendant during the course of the Lawsuit) relating to any process, procedure, technology or product that You contend would reduce the amount of nutrients in animal waste, the amount of waste produced by growers, or the amount of Pollutants or Contaminants absorbed by soils or surface water run off.

Request for Production No. 24: Produce all written agreements relating to legal services, legal costs, and expert costs with your attorneys related to this lawsuit.

Request for Production No. 25: Produce copies of all correspondence with any federal agency regarding any byproduct of water treatment plant processes (including but not limited to trihalomethanes) in any public water supply located within the Illinois River Watershed.

Request for Production No. 26: Produce all documents relating to any study, review, evaluation, investigation, sampling or analysis of any of the public waters supplies located within the Illinois River Watershed.

Request for Production No. 27: Produce all documents relating to any study, review, evaluation, investigation, sampling or analysis of any byproduct of water treatment plant processes (including but not limited to trihalomethanes) and cancer.

Request for Production No. 28: Produce all documents relating to any chemical treatments or processes used to treat water at any of the public water supplies located within the Illinois River Watershed.

Request for Production No. 29: Produce all documents relating to any study, investigation, review or proposal for addressing any aspect of the alleged eutrophication (or the causes therefore) of the lakes, reservoirs, Scenic Rivers or their tributaries within the Illinois River Watershed.

Request for Production No. 30: Produce all documents relating to failures of any of the Scenic Rivers located in the Illinois River Watershed to meet any federally or state approved water quality standards. *See* Transcript from March 23, 2006 Hearing, P. 9.

Request for Production No. 31: Produce all documents relating to any study, review, evaluation, investigation, sampling or analysis regarding poultry litter as a potential source of fecal coliform, E. Coli, and enterococci in the Illinois River Watershed.

Request for Production No. 32: Produce all documents relating to any study, review, evaluation, investigation, sampling or analysis of the streams or groundwater in the Illinois River Watershed.

Request for Production No. 33: Produce all documents relating to any study, review, evaluation, investigation, sampling or analysis of other sources of nitrogen/nitrogen compounds, phosphorus/phosphorus compounds, arsenic/arsenic compounds, zinc/zinc compounds, copper/copper compounds, hormones, and/or microbial pathogens in the Illinois River Watershed.

Request for Production No. 34: Produce the "environmental assessment given to the Oklahoma legislature from all environmental agencies in Oklahoma submitted by the secretary of the environment Miles Tolbert in 2005" referenced in your statements to the Court at the March 23, 2006 hearing, including all drafts of said assessment.

Request for Production No. 35: Produce all press statements released by You relating to this lawsuit.

Request for Production No. 36: Produce all health advisories or warnings posted in the Illinois River Watershed since 1952.

Request for Production No. 37: Produce all documents related to Your contention that the actions or omissions of the Defendants have adversely impacted the environment (including, but not limited to, water quality, wildlife and biota) within the Illinois River Watershed.

Request for Production No. 38: Produce all documents related to Your contention that the actions or omissions of the Defendants have resulted in eutrophication within the Illinois River Watershed.

Request for Production No. 39: Produce all documents related to impacts on the aesthetic use or value of any lake, reservoir, Scenic River, or their tributaries within the Illinois River Watershed.

Request for Production No. 40: Produce all documents related to increased human health risks within the Illinois River Watershed.

Request for Production No. 41: Produce all documents related to fish kills within the Illinois River Watershed.

Request for Production No. 42: Produce all documents related to algae blooms within the Illinois River Watershed.

Request for Production No. 43: Produce all documents related to studies, evaluations, investigations, sampling or analysis conducted by Bert Fisher with regard to this lawsuit.

Request for Production No. 44: Produce all documents related to water quality within the Illinois River Watershed.

Request for Production No. 45: Produce all documents relating to the levels or concentrations of Pollutants or Contaminants in the surface water within the Illinois River Watershed since 1952.

Request for Production No. 46: Produce all documents relating to the levels or concentrations of Pollutants or Contaminants in the soils within the Illinois River Watershed since 1952.

Request for Production No. 47: Produce all documents relating to the levels or concentrations of Pollutants or Contaminants in the groundwater within the Illinois River Watershed since 1952.

Request for Production No. 48: Produce all documents related to Your contention that the actions or omissions of the Defendants have affected recreational uses of the Illinois River Watershed.

Request for Production No. 49: Produce all documents relating to complaints, citations, warnings, notices of violation or enforcement actions brought against any poultry operation in the Illinois River Watershed.

Request for Production No. 50: Produce all documents relating to the study, review, evaluation, investigation, sampling or analysis of Lake Francis.

Request for Production No. 51: Produce all documents relating to the ownership of Lake Francis.

Request for Production No. 52: Produce all documents relating to impacts on the Illinois River Watershed from erosion, cattle operations, swine operations, discharges from water treatment plants and/or commercial fertilizer.

Request for Production No. 53: Produce all documents relating to exceedences of NPDES permits in the Illinois River Watershed and/or complaints, enforcement actions, citations or notices of violation related to NPDES permits in the Illinois River Watershed.

Request for Production No. 54: Produce all Nutrient Management Plans and litter application records for all persons, entities and operations (including but not limited to poultry operations) in the Illinois River Watershed.

Request for Production No. 55: Produce all documents related to costs allegedly incurred by Plaintiffs to monitor, assess and evaluate water quality, wildlife and biota within the Illinois River Watershed.

Request for Production No. 56: Produce all documents supporting Your contention that hormones and/or hormonal supplements, including but not limited to estradiol, are provided to poultry grown in the Illinois River Watershed.

Request for Production No. 57: Produce all communications between You and any poultry integrator regarding the Illinois River Watershed.

Request for Production No. 58: Produce all documents alleged to support Plaintiffs' claims in this matter.

Respectfully submitted,

RHODES, HIERONYMUS, JONES,
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BY: _____

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CERTIFICATE OF SERVICE

I certify that on the 22nd day of August, 2006, I electronically transmitted the attached document to the following ECF registrants:

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