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August 28, 2006

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Via Fax 918-592-3390
and e-mail

Re: *State of Oklahoma v. Tyson Foods, et al.*
Northern District of Oklahoma, 05-CV-0329-TCK-SAJ

Dear Ms. Hill:

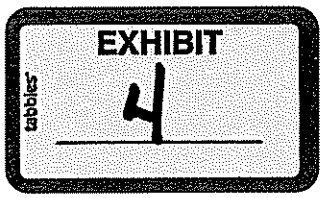
Counsel for the State has received Cargill Inc.'s and Cargill Turkey Production, L.L.C,'s *Amended* First Interrogatories and Requests for Production of Documents to Plaintiffs. Please be advised that pursuant to F.R.C.P. 33(a), and LCvR 33.1 the State objects to the number of subparts in each set of Amended Interrogatories.

The August 11, 2006, set of Interrogatories which were served by Cargill Inc. and Cargill Turkey numbered thirty (30) and forty-one (41) respectively. Because the number of Interrogatories submitted by Cargill exceeded the number allowed by rule, the State did not address the number of subparts.

However, Cargill, Inc.'s Amended First Interrogatories served on August 22, 2006, contain approximately ninety (90) subparts, and Cargill Turkey's Amended First Interrogatories contain approximately 120 subparts. Northern District Local Rule LCvR 33.1 states:

> Interrogatories inquiring as to the existence, location and custodian of documents or physical evidence shall be construed as one interrogatory. All other interrogatories, including subdivisions of one numbered interrogatory, shall be construed as separate interrogatories

Each of Cargill Inc.'s Amended Interrogatories asks the State to provide information for "each Cargill entity," of which there are two. In addition, some



Interrogatories ask the "factual and legal basis" for the State's claims, as well as the names of witnesses. Others ask for the factual basis only, but again, those also request names of witnesses. Each Interrogatory that contains such language can fairly be interpreted to constitute five or six separate questions.

Cargill Turkey's Amended Interrogatories are also excessive. For example, Interrogatory No. 3 contains seven itemized subparts, and requests dates, facts, witnesses and documents for each. Other interrogatories are similarly constructed.

By way of this letter, the State is requesting that Cargill Inc. and Cargill Turkey withdraw, revise, and resubmit its Amended First Interrogatories in compliance with federal and local rules.

Please let me know at your earliest convenience when we can meet and confer regarding this issue as required by LCvR 37.1.

I look forward to hearing from you.

Sincerely,

D. Sharon Gentry

D. Sharon Gentry
FOR THE FIRM

/sg