EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**Case No. 4:05-cv-00329-TCK-SAJ**
	)	
TYSON FOODS, INC., et al.,	)	
	)	
Defendants.	)	

OBJECTIONS AND RESPONSES OF STATE OF OKLAHOMA TO SEPARATE DEFENDANT TYSON POULTRY INC.'S FIRST SET OF INTERROGATORIES PROPOUNDED TO PLAINTIFFS

The Plaintiff State of Oklahoma respectfully submits its objections and responses to Defendant Tyson Poultry, Inc's First Set of Interrogatories propounded to Plaintiffs. The State maintains records in numerous locations and many agencies and its records review is on going. The State shall supplement the following responses and attached privilege logs should additional responsive or privilege-protected documents come to its attention.

GENERAL OBJECTIONS

1. The State objects to these discovery requests to the extent that they seek the discovery of information that is protected by the attorney-client privilege and/or the work product doctrine.

2. The State objects to these discovery requests to the extent that they seek the discovery of information that is already in the possession of defendant, is obtainable from another source that is more convenient, less burdensome or less expensive, or is as accessible to defendant as it is to the State. As such, the burden of obtaining such sought-after information is substantially the same, or less, for defendant as it is for the State.

3. The State objects to these discovery requests to the extent that they are overly broad, oppressive, unduly burdensome and expensive to answer. Providing answers to such discovery requests would needlessly and improperly burden the State.

4. The State objects to these discovery requests to the extent that they improperly seek identification of "all" items or "each" item of responsive information. Such discovery requests are thus overly broad and unduly burdensome. It may be impossible to locate "all" items or "each" item of responsive information to such discovery requests.

5. The State objects to the extent that discovery sought is unreasonably cumulative or duplicative.

6. The State objects to these discovery requests to the extent that they do not state with the required degree of specificity and particularity what information is being sought. As such, such discovery requests are vague, indefinite, ambiguous and not susceptible to easily discernible meaning.

7. The State objects to these discovery requests to the extent that the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties resources, and the importance of the proposed discovery in resolving the issues.

8. The State objects to these discovery requests to the extent that they improperly attempt to impose obligations on the State other than those imposed or authorized by the Federal Rules of Civil Procedure.

9. The State objects to the definitions of these discovery requests to the extent that they improperly attempt to alter the plain meaning of certain words.

10. By submitting these responses, the State does not acknowledge that the requested information is necessarily relevant or admissible. The State Expressly reserves the right to object to further discovery into the subject matter of any information provided and to the introduction of such information into evidence.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: Please describe all of the efforts or actions You have undertaken or are undertaking to Identify any factor, other than those You allege are Related to the poultry industry, that may have an adverse effect on the quality of the water in the IRW, whether such factors are natural or man-made, and in doing so please Identify all persons involved or with knowledge of such efforts, and for each factor identified, please state the factor, the location, the potential or confirmed effect on the IRW. Also, please Identify all Documents Related to Your identification of non-poultry related factors.

OBJECTIONS AND RESPONSE TO NO. 1: The State objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work production protection.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26. Thus, the State also objects to this interrogatory to the extent it calls for information which constitutes expert opinions, the disclosure of which is premature.

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its

counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action or if the State identifies additional documents subject to a claim of privilege or protection.

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this interrogatory.

The State further objects to this interrogatory to the extent this information has already been provided to the Poultry Integrator Defendants in responses to previous interrogatories, and/or in response to one or more Open Records Requests made by one or more of the Poultry Integrator Defendants.

Subject to and without waiving its general or specific objections, the State has enacted various statutory and regulatory schemes intended to address adverse impacts on all of the waters of Oklahoma without regard to the sources/factors contributing to the harm. The State refers Defendant to, without limitation, Title 2 (Agriculture), Title 27A (Environment and Natural Resources), and Title 82 (Water and Water Rights) of the Oklahoma Statutes and all associated regulations. As part of these statutory and

regulatory schemes, the State monitors, samples, and tests the waters of the State, and enforces the applicable statutes and regulations. The State also, without limitation, refers Defendant to the State's Initial Disclosure list made pursuant to Fed.R.Civ.P. 26 (a)(1)(A).

Subject to and without waiving its general or specific objections, and pursuant to Fed. R. Civ. P. 33(d), information sought in this Interrogatory, and whose production is not objected to herein, may be found within the business records being provided to this Defendant. Identification of such business records will occur on a rolling basis as the State's review of its business records proceeds.

The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P 26(e).

INTERROGATORY NO. 2: Please describe in detail all actions taken and practices employed by You to manage, address, control or reduce the entry of phosphorus/phosphorus compounds, nitrogen/nitrogen compounds, arsenic/arsenic compounds, zinc/zinc compounds, cooper/cooper [sic] compounds, hormones or microbial pathogens into the IRW from poultry operations. Also, please Identify all Documents Related to such actions.

OBJECTIONS AND RESPONSE TO NO. 2: The State objects to this Interrogatory because Defendant has exceeded the limit of 25 interrogatories or discrete subparts found in Fed. R.Civ. P. 33(a). After conferring in good faith with counsel for Defendant, counsel for Defendant has, without agreeing with the State''s count of interrogatories or discrete subparts, designated this interrogatory as one which, if not posed, would, by the State''s count, reduce the total number of interrogatories and discrete subparts to 25 for this Defendant. The parties have agreed that the State has not waived its objection to the number of interrogatories and discrete subparts posed by responding to any other interrogatory. See Email exchange between Robert George and Robert Nance, Exhibit 1 attached hereto for the full text of the

agreement of the parties

The State objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work production protection.

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this interrogatory.

The State further objects to this interrogatory to the extent this information has already been provided to the Poultry Integrator Defendants in responses to previous interrogatories, and/or in response to one or more Open Records Requests made by one or more of the Poultry Integrator Defendants.

INTERROGATORY NO. 3: Please describe in detail all actions taken and practices employed by You to manage, address, control or reduce the entry of phosphorus/phosphorus compounds, nitrogen/nitrogen compounds, arsenic/arsenic compounds, zinc/zinc compounds, cooper/cooper [sic] compounds, hormones or microbial pathogens into the IRW from activities of persons, Entities and industries other than poultry operations (including, but not limited to, cattle operations, hay operations, septic tanks, commercial fertilizer applications, mining, municipal POTW discharges, land application of biosolids and utilization of herbicides and pesticides). Also, please Identify all Documents Related to such actions.

OBJECTIONS AND RESPONSE TO NO. 3: The State objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work production protection.

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all"

items of responsive information, which renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this interrogatory.

Subject to and without waiving its general or specific objections, the State has enacted various statutory and regulatory schemes to prevent adverse impacts on the waters of Oklahoma without regard to the sources/factors described. In addition, the State has enacted statutory and regulatory schemes to manage, address, and control the entry of phosphorus/phosphorus compounds, nitrogen/nitrogen compounds, arsenic/arsenic compounds, zinc/zinc compounds, copper/copper compounds, hormones or microbial pathogens into the waters of the state, including from activities of persons, entities and industries other than poultry operations to the extent that any such pollutants actually enter the IRW from their activities. The State refers Defendant to, without limitation, Title 2 (Agriculture), Title 27A (Environment and Natural Resources), and Title 82 (Water and Water Rights) of the Oklahoma Statutes and all associated regulations. As part of these statutory and regulatory schemes, the State monitors, samples, and tests the waters of the State, and enforces the applicable statutes and regulations.

Subject to and without waiving any of its general or specific objections, and pursuant to Fed. R. Civ. P. 33(d), information sought in this Interrogatory, and whose production is not objected to herein, may be found within the business records being provided to this Defendant. Identification of such business records will occur on a rolling basis as the State's review of its business records proceeds.

The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

INTERROGATORY NO. 4: Please specifically Identify (without just referring to Your Complaint) each and every provision of the Oklahoma Confined Animal Feeding Operations Act and/or

its implementing regulations which You contend has been violated by any Tyson Defendant or any person or Entity for which any Tyson Defendant may allegedly be held legally responsible and provide:

(a) the date, location and a description of each such violation for which you contend a Tyson Defendant may be held liable;

(b) the name and address of the Grower or other person involved the violation(s) identified in response to the preceding interrogatory subpart; and

(c) Identity any notices of violations, warnings, complaints, investigative reports, agency orders, correspondence, photographs, video recordings or witness statements (written or audio) and other Documents or items of evidence which Relate To each such violation or form the basis of Your belief that such a violation has occurred.

OBJECTIONS AND RESPONSE TO NO. 4: The State objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and / or work production protection.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26. Therefore, the State also objects to this interrogatory to the extent it calls for information which constitutes expert opinions, the

disclosure of which is premature.

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by the its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action or if the State identifies additional documents subject to a claim of privilege or protection.

The State further objects to this interrogatory to the extent this information has already been provided to the Poultry Integrator Defendants in connection with its production of documents made pursuant to Fed. R. Civ. P. 26(a) and / or in response to one or more Open Records Requests made by one or more of the Poultry Integrator Defendants.

Subject to and without waiving its general or specific objections, and to the extent Tyson Defendant and / or persons and entities for which Tyson Defendant is legally responsible operate a Confined Animal Feeding Operation, the State contends that violations of the Oklahoma Confined Animal Feeding Operations Act and / or its implementing regulations include, without limitation, one or more of the following specific provisions: 2 Okla. Stat. § 9-205.3 (Utilization of Best Management Practices) and Okla. Admin.

Code § 35:17-3-14 (Animal Waste Management Plans),and Okla. Admin. Code § 35:17-3-20 (Best Management Practices).

Violations of these provisions have occurred wherever poultry waste for which Tyson Defendant is legally responsible and which was generated at concentrated animal feeding operations in Oklahoma has been, without limitation, overapplied, stored or land applied and run off, thereby resulting in a discharge to surface and/or ground water in those portions of the IRW located within Oklahoma. The State's investigation of these matters is continuing. Further, information responsive to this interrogatory may exist within the Poultry Integrator Defendants' own files.

Subject to and without waiving any of its general or specific objections, and pursuant to Fed. R. Civ. P. 33(d), information sought in this Interrogatory, and whose production is not objected to herein, may be found within the business records being provided to this Defendant. Identification of such business records will occur on a rolling basis as the State's review of its business records proceeds.

The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

INTERROGATORY NO. 5: Please specifically Identify (without just referring to Your Complaint) each and every provision of the Oklahoma Registered Poultry Operations Act and/or its implementing regulations which You contend has been violated by any Tyson Defendant or any person or Entity for which any Tyson Defendant may allegedly be held legally responsible and provide:

(a) the date, location and a description of each such violation for which You contend a Tyson Defendant may be held liable;

(b) the name and address of the contract Grower or other person involved the violation(s)

identified in response to the preceding interrogatory subpart; and

(c) Identity [sic] any notices of violations, warnings, complaints, investigative reports, agency orders, correspondence, photographs, video recordings or witness statements (written or audio) and other Documents or items of evidence which Relate To each such violation or form the basis of Your belief that such a violation has occurred.

OBJECTIONS AND RESPONSE TO NO. 5: The State objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and / or work production protection.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26. Therefore, the State also objects to this interrogatory to the extent it calls for information which constitutes expert opinions, the disclosure of which is premature.

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege

and work product protection is supported by its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action or if the State identifies additional documents subject to a claim of privilege or protection.

The State further objects to this interrogatory to the extent this information has already been provided to the Poultry Integrator Defendants in response to one or more Open Records Requests made by one or more of the Poultry Integrator Defendants.

Subject to and without waiving its general or specific objections, the State contends that violations of the Oklahoma Registered Poultry Feeding Operations Act and / or its implementing regulations by Tyson Defendant and / or persons and entities for which Tyson Defendant are legally responsible include, without limitation, one or more of the following specific provisions: 2 Okla. Stat. § 10-9.7 (Best Management Practices -- Requirement of Animal Waste Management Plans), and Okla. Admin. Code § 35:17-5-5 (Animal Waste Management Plan Requirements).

Violations of these provisions have occurred wherever poultry waste for which Tyson Defendant is legally responsible and which was generated at registered poultry feeding operations or applied to land in Oklahoma, without limitation, has not been handled, treated, or managed in accordance with the requirements of the Poultry Act and associated rules; has not been managed in accordance with an operation's Animal Waste Management Plan and Best Management Practices; has been applied to land

at inappropriate times or excessive rates or without regard to soil and waste test results; has been applied without required soil and waste testing; has been managed without keeping records of application or transfer; has been improperly stored and exposed to rainfall and runoff; or has been applied to land without appropriate runoff controls. Additionally, violations of these provisions have occurred, without limitation, wherever poultry waste or associated pollutants for which Tyson Defendant is legally responsible and which was generated at registered poultry feeding operations or applied to land in Oklahoma, without limitation, have been discharged or runoff into waters of the state in those portions of the IRW located within Oklahoma, including surface water and groundwater, from storage or land application sites; have been discharged or run off causing violations of state water quality standards; or where the handling, treatment, management and removal of such waste has created an environmental or a public health hazard or resulted in the contamination of waters of the state in those portions of the IRW located within Oklahoma, including surface and groundwater. The State's investigation of these matters is continuing. Further, information responsive to this interrogatory may exist within the Poultry Integrator Defendants' own files.

Subject to and without waiving any of its general or specific objections, and pursuant to Fed. R. Civ. P. 33(d), information sought in this Interrogatory, and whose production is not objected to herein, may be found within the business records being provided to this Defendant. Identification of such business records will occur on a rolling basis as the State's review of its business records proceeds..

The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

INTERROGATORY NO. 6: Please specifically Identify (without just referring to Your Complaint) each and every provision of the Oklahoma Agricultural Code which You contend has been

violated by the defendants or any person or Entity for which the defendants may allegedly be held legally responsible and provide:

(a) the date, location and a description of each such violation for which You contend a Tyson Defendant may be held liable;

(b) the name and address of the Grower or other person involved the violation(s) identified in response to the preceding interrogatory subpart; and

(c) Identity [sic] any notices of violations, warnings, complaints, investigative reports, agency orders correspondence, photographs, video recordings or witness statements (written or audio) and other Documents or items of evidence which Relate To each such violation or form the basis of Your belief that such a violation has occurred.

OBJECTIONS AND RESPONSE TO NO. 6: The State objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and / or work production protection. The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26. Therefore, the State also objects to this interrogatory to the extent it calls for information which constitutes expert opinions, the

disclosure of which is premature.

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by the its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action or if the State identifies additional documents subject to a claim of privilege or protection.

The State further objects to this interrogatory to the extent this information has already been provided to the Poultry Integrator Defendants in response to one or more Open Records Requests made by one or more of the Poultry Integrator Defendants.

Subject to and without waiving its general or specific objections, and in addition to those provisions cited in response to interrogatories 4 and 5 above, the State further contends that violations of the Oklahoma Agricultural Code by Poultry Integrator Defendants and / or persons and entities for which Poultry Integrator Defendants are legally responsible include, without limitation, 2 Okla. Stat. § 2-18.1 (Pollution of Air, Land or Waters Unlawful -- Powers of Board -- Orders, Penalties). Violations of this provision have occurred wherever poultry waste for which Poultry Integrator Defendants are legally

responsible and which was generated or land applied in Oklahoma has been, without limitation, stored or land applied and run off, leached into groundwater, discharged, or otherwise been released into the environment thereby causing pollution of surface water, ground water and / or land in those portions of the IRW located within Oklahoma. The State's investigation of these matters is continuing, but non-privileged, non-protected information responsive to subparts (a) through (c) may be found in documents being produced by the State pursuant to Rule 26(a). See Fed. R. Civ. P. 33(d). Further, information responsive to this interrogatory may exist within the Poultry Integrator Defendants' own files. The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

INTERROGATORY NO. 7: Please specifically Identify (without just referring to your Complaint) each and every provision of the Oklahoma Environmental Quality Act and/or its implementing regulations which You contend has been violated by any Tyson Defendant or any person or Entity for which any Tyson Defendant may allegedly be held legally responsible and provide:

(a) the date, location and a description of each such violation for which You contend a Tyson Defendant may be held liable;

(b) the name and address of the Grower or other person involved the violation(s) identified in response to the preceding interrogatory subpart; and

(c) Identity [sic] any notices of violations, warnings, complaints, investigative reports, agency orders correspondence, photographs, video recordings or witness statements (written or audio) and other Documents or items of evidence which Relate To each such violation or form the basis of Your belief that such a violation has occurred.

OBJECTIONS AND RESPONSE TO NO. 7: The State objects to this interrogatory to the extent

it seeks information protected by the attorney-client privilege and / or work production protection.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26. Therefore, the State also objects to this interrogatory to the extent it calls for information which constitutes expert opinions, the disclosure of which is premature.

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action or if the State identifies additional

documents subject to a claim of privilege or protection.

The State further objects to this interrogatory to the extent this information has already been provided to the Poultry Integrator Defendants in response to one or more Open Records Requests made by one or more of the Poultry Integrator Defendants.

Subject to and without waiving its general or specific objections, the State further contends that violations of the Oklahoma Environmental Quality Act and / or its implementing regulations by Poultry Integrator Defendants and / or persons and entities for which Poultry Integrator Defendants are legally responsible include, without limitation, 27A Okla. Stat. § 2-6-105 (Unlawful to Pollute - Order to Cease). Violations of this provision have occurred wherever poultry waste for which Poultry Integrator Defendants are legally responsible has been, without limitation, managed, stored or land applied in a manner that poultry waste or associated constituents or pollutants have run off, leached or otherwise been released into the environment, thereby causing, or being likely to cause, pollution of surface water, air, ground water and / or land in those portions of the IRW located within Oklahoma. The State's investigation of these matters is continuing, but non-privileged, non-protected information responsive to subparts (a) through (c) may be found in the documents identified to date being produced by the State pursuant to Rule 26(a). See Fed. R. Civ. P. 33(d). Further, information responsive to this interrogatory may exist within the Poultry Integrator Defendants' own files. The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

INTERROGATORY NO. 8: Please specifically Identify (without just referring to Your Complaint) each and every provision of the Oklahoma Administrative Code which You contend has been violated by any Tyson Defendant or any person or Entity for which any Tyson Defendant may allegedly be

held legally responsible and provide:

(a) the date, location and a description of each such violation for which you contend a Tyson Defendant may be held liable;

(b) the name and address of the Grower or other person involved the violation(s) identified in response to the preceding interrogatory subpart; and

(c) Identity [sic] any notices of violations, warnings, complaints, investigative reports, agency orders correspondence, photographs, video recordings or witness statements (written or audio) and other Documents or items of evidence which Relate To each such violation or form the basis of Your belief that such a violation has occurred.

OBJECTIONS AND RESPONSE TO NO. 8: The State objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and / or work production protection.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26. Therefore, the State also objects to this interrogatory to the extent it calls for information which constitutes expert opinions, the disclosure of which is premature.

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action or if the State identifies additional documents subject to a claim of privilege or protection.

The State further objects to this interrogatory to the extent this information has already been provided to the Poultry Integrator Defendants in response to one or more Open Records requests made by one or more of the Poultry Integrator Defendants.

Subject to and without waiving its general or specific objections, the State contends that violations of the Oklahoma Administrative Code by Tyson Defendant and / or persons and entities for which Tyson Defendant are legally responsible include, without limitation, one or more of the following specific provisions: OAC 785 Chapter 45 and 46 (Water Quality Standards and Implementation). The State's investigation of these matters is, however, continuing, and this could change. The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e)

INTERROGATORY NO. 9: Please Identify all reports, studies, Publications, research, sampling

data or monitoring data which demonstrates or which the State believes tends to demonstrate that the soil, water, sediments or biota in the IRW has been injured by or become contaminated with phosphorus or phosphorus compounds disposed of or released by the Tyson Defendant or any person or Entity for which the Tyson Defendant may allegedly be held legally responsible.

OBJECTIONS AND RESPONSE TO NO. 9: The State objects to this interrogatory on the ground that it seeks information protected by the attorney-client privilege and / or work product protection.

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this interrogatory.

The State further objects to this interrogatory to the extent this information has already been provided to the Poultry Integrator Defendants in responses to previous interrogatories, and/or in response to one or more Open Records Requests made by one or more of the Poultry Integrator Defendants.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by the attached privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action or if the State identifies additional documents subject to a claim of privilege or protection.

Subject to the forgoing general and specific objections the State believes that following publically available websites contain information that demonstrates or tends to demonstrate that the soil, water, sediments or biota in the IRW has been injured by or become contaminated with phosphorus or phosphorus compounds disposed of or released by the Tyson Defendant or any person or Entity for which the Tyson Defendant may allegedly be held legally responsible:

http://www.ose.state.ok.us/documents.html#972
http://www.owrb.state.ok.us/quality/monitoring/bump.php
http://www.okcc.state.ok.us/WQ/WQ_reports.htm
http://www.deq.state.ok.us/WQDnew/pubs.html
http://ok.water.usgs.gov

Subject to the foregoing general and specific objections, the State believes the following studies demonstrate or tend to demonstrate that the soil, water, sediments or biota in the IRW has been injured

by or become contaminated with phosphorus or phosphorus compounds disposed of or released by the Tyson Defendant or any person or Entity for which the Tyson Defendant may allegedly be held legally responsible:

Aillery, M.; Gollehon, N; Johansson, R.J.; Kaplan, J.; Key, N.; Ribaudo, M. (2005) Managing Manure to Improve Air and Water Quality. Economic Research Report 9. U.S. Department of Agriculture, Economic Research Service.

Carpenter, S.R.; Caraco, N.F.; Correll, D.L.; Howarth, R.W.; Sharpley, A.N.; Smith, V.H. (1998 Nonpoint Pollution of Surface Waters with Phosphorus and Nitrogen. Ecological Applications 8(3):559-568.

Chapman, S.L. (1996) Soil and Solid Poultry Waste Nutrient Management and Water Quality. Poultry Science 75(7):862-866

Daniel, T.C.; Sharpley, A.N.; Lemunyon, J.L. (1998) Agricultural Phosphorus and Eutrophication: A Symposium Overview. Journal of Environmental Quality. 27:251-257.

Gade, D.R. (1998) An Investigation of the Sources and Transport of Nonpoint Source Nutrients in the Illinois River Basin in Oklahoma and Arkansas. M.S. Thesis, Oklahoma State University, 286 p.

Phan, T. (2001) Cost of Water Pollution Abatement for Poultry Farms in Beaty Creek Watershed, Oklahoma. PhD Dissertation. Oklahoma State University, 114 p.

Sharpley, A. (1999) Agricultural Phosphorus, Water Quality, and Poultry Production: Are They Compatible? Environment and Health, Symposium: Reducing the Environmental Impact of Poultry Production: Focus on Phosphorus, 660-673.

Slaton, N.A.; Brve, K.R.; Daniels, M.B.; Daniels, T.C.; Norman, R.J.; Miller, D.M. (2004) Nutrient Input and Removal Trends for Agricultural Soils in Nine Geographic Regions in Arkansas. Journal of Environmental Quality. 33:1606-1615.

The State also refers you to Interrogatory answers previously given in Tyson Chicken Interrogatory Nos. 5 and 6. The State reserves its right to supplement its answer to this interrogatory pursuant to Fed.

R. Civ. P. 26(e).

INTERROGATORY NO. 10: Please Identify all reports, studies, Publications, research, sampling data or monitoring data which demonstrates or which the State believes tends to demonstrate that the soil, water, sediments or biota in the IRW has been injured by or become contaminated with nitrogen or nitrogen compounds disposed of or released by the Tyson Defendant or any person or Entity for which the Tyson Defendant may allegedly be held legally responsible.

OBJECTIONS AND RESPONSE TO NO. 10: The State objects to this interrogatory on the ground that it seeks information protected by the attorney-client privilege and / or work product protection.

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this interrogatory.

The State further objects to this interrogatory to the extent this information has already been provided to the Poultry Integrator Defendants in responses to previous interrogatories, and/or in response to one or more Open Records Requests made by one or more of the Poultry Integrator Defendants.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation

of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by the attached privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action or if the State identifies additional documents subject to a claim of privilege or protection.

Subject to the foregoing general and specific objections, the State believes that the following publically available websites demonstrate or tend to demonstrate that the soil, water, sediments or biota in the IRW has been injured by or become contaminated with nitrogen or nitrogen compounds disposed of or released by the Tyson Defendant, or by a person or Entity for which the Tyson Defendants are legally responsible:

http://www.owrb.state.ok.us/quality/monitoring/bump.php
http://www.okcc.state.ok.us/WQ/WQ_reports.htm
http://www.deq.state.ok.us/WQDnew/pubs.html
http://ok.water.usgs.gov
http://www.ose.state.ok.us/documents.html#972

Subject to the foregoing general and specific objections, the State believes that the following studies demonstrate or tend to demonstrate that the soil, water, sediments or biota in the IRW has been injured by or become contaminated with nitrogen or nitrogen compounds disposed of or released by the Tyson Defendant, or by a person or Entity for which the Tyson Defendants are legally responsible:

Adamski, J.C.; Steele, K.F. (1988) Agricultural Land Use Effects on Groundwater Quality in the Ozark Region: Proceedings of Agricultural Impacts on Groundwater Conference, National Water Well Association, Dublin, OH, pp. 593-614.

Buchberger, E. (1991) An Economic and Environmental Analysis of Land Application of Poultry Litter in Northwest Arkansas. M.S. Thesis, University of Arkansas, Fayetteville, 108 p.

Cox, G.D.; Ogden, A.E.; and Slavik, G. (1980) Contamination of Boone-St. Joe Limestone Groundwater by Septic Tanks and Chicken Houses. Arkansas Academy of Science Proceedings, Vol. XXXIV, 41-44.

Peterson, E. W.; Davis, R. K.; Brahana, J. V.; Orndorff, H.A. (2002) Movement of Nitrate Through Regolith Covered Karst Terrain, Northwest Arkansas. Journal of Hydrology 256(1-2):35-47.

Phan, T. (2001) Cost of Water Pollution Abatement for Poultry Farms in Beaty Creek Watershed, Oklahoma. PhD Dissertation. Oklahoma State University, 114 p.

Sauer, T. J.; Moore, P. A., Jr.; Coffey, K. P.; Rutledge, E. M. (1998) Characterizing the Surface Properties of Soils at Varying Landscape Positions in the Ozark Highlands. Soil Science 163(11):907-915.

Smith, C.R. (1992) Ground Water Chemistry and Quality in Benton County, Arkansas with a Suggested Ground Water Flow Model for Northwestern Arkansas. MS Thesis, University of Arkansas, Fayetteville, 192 p.

Steele, K.; McCalster, W.K. (1990) Nitrate Concentrations of Ground Water from Limestone and Dolomitic Aquifers in the Northeastern Washington County Area, Arkansas. Arkansas Water Resources Center Publication No. MSC-68, 33 p.

Wolf, D. C.; Gilmour, J. T.; Gale, P. M. (1988) Estimating Potential Ground and Surface Water Pollution from Land Application of Poultry Litter; II. Arkansas Water Resources Research Center Publication No. 137, 34 p.

The State also refers you to previous answers given in Tyson Chicken Interrogatories No.7. The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

INTERROGATORY NO. 11: Please Identify all reports, studies, Publications, research, sampling data or monitoring data which demonstrates or which the State believes tends to demonstrate that the soil, water, sediments or biota in the IRW has been injured by or become contaminated with arsenic or arsenic compounds disposed of or released by the Tyson Defendant or any person or Entity for which the Tyson Defendant may allegedly be held legally responsible.

ANSWER TO NO. 11: The State objects to this interrogatory on the ground that it seeks information protected by the attorney-client privilege and / or work product protection.

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this interrogatory.

The State further objects to this interrogatory to the extent this information has already been provided to the Poultry Integrator Defendants in responses to previous interrogatories, and/or in response to one or more Open Records Requests made by one or more of the Poultry Integrator Defendants.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the

State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by the attached privilege log. Also, pursuant to LCvR 26 4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action.

Subject to the foregoing general and specific objections, the State believes that the following reports demonstrate or tend to demonstrate that the soil, water, sediments or biota in the IRW have been injured by or become contaminated with arsenic or arsenic compounds disposed of or released by the Tyson Defendants or by a person or Entity for which the Tyson Defendant are legally responsible:

Arai, Y.; Lanzirotti, A.; Sutton, S.; Davis, J.A.; Sparks, D.L. (2003) Arsenic Speciation and Reactivity in Poultry Litter. Environmental Science and Technology, 37(18): 4083 - 4090

Brown, B.L. (2003) The Sorption of Roxarsone, an Organoarsenical Animal Feed Additive. M.S. Thesis, Virginia Polytechnic Institute and State University, 95 p

Bellows, B.C. (2005) Arsenic in Poultry Litter: Organic Regulations. National Sustainable Agriculture Information Service, 12 p.

Blackerby, S.D. (1997) Evaluation of Nonpoint Source Pollution Concentrations Due to Runoff from Agricultural Land Applied with Broiler Litter. M.S. Thesis, Stephen F. Austin State University, Nacogdoches, TX, 100 p.

Moore, P.A., Jr.; Daniel, T.C; Gilmour, J.T; Shreve, B.R; Edwards, D.R. (1998) Decreasing Metal Runoff from Poultry Litter with Aluminum Sulfate. Journal of Environmental Quality. 27:92-99.

Nachman, K.E.; Graham, J.P.; Price, L.B.; Silbergeld, E.K. (2005) Arsenic: A Roadblock to Potential Animal Waste Management Solutions. Environmental Health Perspective 113:1123-1124 (2005). doi:10.1289/ehp.7834 available via http://dx.doi.org/ [Online 12 May 2005].

Wilde, F.D.; Britton, L.J.; Miller, C.V.; Kolpin, D.W. (2000) Effects of Animal Feeding Operations on Water Resources and the Environment - Proceedings of the technical meeting, Fort Collins, Colorado, August 30 - September 1, 1999. United States Geological Survey Open-File Report 00-204, 107 p.

The State also refers you to previous answers given in Tyson Chicken Interrogatories No. 8. The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

Respectfully submitted,

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Attorneys for the State of Oklahoma

June 15, 2006

VERIFICATION

STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

I, Miles Tolbert, being of legal age, hereby depose and state that I have read the foregoing responses to interrogatories and that they are true and correct, to the best of my knowledge and belief, and and that I furnish such responses based on consultation with representatives of the State of Oklahoma based on documents identified as of the date of this response.

Miles Tolbert
Secretary of the Environment
State of Oklahoma

Signed and subscribed to before me on this 15th day of June, 2006.

Notary Public

JOYCE K. BOYD
NOTARY PUBLIC
02017963
EXP 11/9/06
IN AND
FOR
STATE OF OKLAHOMA
OKLAHOMA COUNTY

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2006, I electronically transmitted the foregoing document to the following ECF registrants or via United States Mail postage prepaid to the following:

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Robert A. Nance

Robert A. Nance

Bob Nance

From: George, Robert W [Robert George@KutakRock.com]
Sent: Friday, June 02, 2006 9:49 AM
To: Bob Nance; Kelly_Burch@oag.state.ok.us; Trevor_Hammons@oag.state.ok.us; Richard Garren
Cc: Jay Jorgensen; Webster, Timothy K.; Burns, Bryan; sjantzen@ryanwhaley.com; Patrick Ryan; Hopson, Mark D.
Subject: RE:

Bob,

You have accurately stated our agreement. I look forward to receiving the State's discovery responses. After reviewing those responses, I will determine whether a motion to compel responses to Tyson Poultry, Inc., Interrogatory No. 2, Tyson Foods, Inc., Interrogatories 2 and 9, and Cobb-Vantress Inc. Interrogatory 10 is necessary. I will, of course, confer with you in one final attempt to resolve the State's objections to these and other discovery requests before filing such a motion.

From: Bob Nance [mailto:rnance@riggsabney.com]
Sent: Wednesday, May 31, 2006 4:40 PM
To: George, Robert W.; Kelly_Burch@oag.state.ok.us; Trevor_Hammons@oag.state.ok.us; Richard Garren
Subject:

Robert, this is to confirm our agreement today regarding interrogatories you have submitted to the State on behalf of your clients Tyson Poultry, Inc., Tyson Foods, Inc., Cobb-Vantress, Inc. and Tyson Chicken, Inc. The State contends that you have submitted more than 25 interrogatories or discrete subparts for each of these clients except Tyson Chicken, Inc. You disagree with our count of the interrogatories and subparts. We have conferred in good faith and arrived at an agreement which preserves all of our respective positions on the interrogatory count issue. On behalf of your clients, you will not withdraw any of the interrogatories or subparts. However, you designated Tyson Poultry, Inc., Interrogatory No. 2, Tyson Foods, Inc., Interrogatories 2 and 9, and Cobb-Vantress Inc. Interrogatory 10 as interrogatories which, if not posed, would, by the State's count (to which you retain your disagreement), reduce the total number of interrogatories and discrete subparts to 25 for each of these three Defendants. The State will present its objections and responses to all interrogatories except the four designated interrogatories. The State will not presently answer the four designated interrogatories, but will present its objections to these designated interrogatories, including the objection that they exceed the limit of 25 interrogatories and discrete subparts. By doing so, you agree that the State has not waived its objection to the number of interrogatories and discrete subparts posed by responding to the others. If you wish to pursue responses to these designated interrogatories, you will move to compel and the State will respond, and retains the right to argue that it has already provided more than the Rules require

Additionally, you agreed to allow the State an additional week to present its responses and objections to all the interrogatories posed by your clients. These responses and objections will be due on June 8, 2006. By agreeing to this enlargement of time you are not waiving any claim or objection you may wish to present upon receipt of our responses and objections.

Please respond by email to confirm this is our agreement.

Robert A. Nance
RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS

EXHIBIT
1

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Privilege Log

	Date	Author	Is Author a Lawyer?	Recipient(s)	Type of Document	General Subject Matter of the Document	Privilege Asserted *FRCP*	Bates Number(s)
280	2004/11/15	Lithochimeia, Inc.	No	Stratus Consulting, Inc., Miller Keffer Bullock Pedigo LLC, Landreth Law Firm	e-mail	correspondence regarding manure-borne estrogens	attorney work product Fed. R. Civ. P 26(b)(3)&(4) and attorney-client privilege	none
281	2005/04/12	Landreth Law Firm	Yes	Landreth Law Firm, Miller Keffer Bullock Pedigo LLC, Oklahoma Office of the Attorney General	e-mail	correspondence regarding damages and remediation	attorney work product Fed. R. Civ. P 26(b)(3)&(4) and attorney-client privilege	none
282	2005/03/29	Oklahoma Office of the Attorney General	Yes	Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc., Landreth Law Firm	e-mail	correspondence regarding arsenic from poultry litter	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
283	2005/01/27	Miller Keffer Bullock Pedigo LLC	Yes	Lithochimeia, Inc., Stratus Consulting, Inc., Camp Dresser & McKee, Inc., HydroQual (cc: Oklahoma Office of the Attorney General, Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc., Motley Rice LLC, Landreth Law Firm)	e-mail	correspondence regarding re-damage proof and evidence issues	attorney work product Fed. R. Civ. P 26(b)(3)&(4) and attorney-client privilege	none
284	2005/01/18	Miller Keffer Bullock Pedigo LLC	Yes	Stratus Consulting, Inc., Lithochimeia, Inc., Camp Dresser & McKee, Inc.	e-mail	correspondence regarding and attaching draft Items of Proof	attorney work product Fed. R. Civ. P 26(b)(3)&(4) and attorney-client privilege	none
285	2005/01/07	Miller Keffer Bullock Pedigo LLC	Yes	Landreth Law Firm	e-mail	correspondence regarding settlement issues	attorney work product Fed. R. Civ. P 26(b)(3)&(4) and attorney-client privilege	none

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286	2004/12/07	Stratus Consulting, Inc.	No	Landreth Law Firm (cc: Miller Keffer Bullock Pedigo LLC)	e-mail	correspondence regarding Federal Register document FRL-7845-7, "Notice of Proposed NPDES General Permit for Discharges From Concentrated Animal Feeding Operations (CAFOs) in New Mexico, Oklahoma, and on Indian Lands in New Mexico and Oklahoma"	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
287	2005/04/13	Stratus Consulting, Inc.	No	Landreth Law Firm, Miller Keffer Bullock Pedigo LLC (cc: Oklahoma Office of the Attorney General)	e-mail	correspondence regarding damage and remediation	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
288	2005/04/12	Stratus Consulting, Inc.	No	Miller Keffer Bullock Pedigo LLC, Landreth Law Firm (cc: Oklahoma Office of the Attorney General)	e-mail	correspondence regarding damage and remediation	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
289	various dates in 2004	various authors including those from the Oklahoma Office of the Attorney General and Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc.	Yes	various	log of e-mails	correspondence regarding damages	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
290	2004/12/07	Oklahoma Office of the Attorney General	Yes	Motley Rice LLC (cc: Landreth Law Firm, Miller Keffer Bullock Pedigo LLC, Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc., Oklahoma Office of the Attorney General,	e-mail	correspondence attaching draft chart regarding damages	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
291	2004/11/18	Oklahoma Office of the Attorney General	Yes	Stratus Consulting, Inc., Landreth Law Firm (cc: Miller Keffer Bullock Pedigo LLC)	e-mail	correspondence regarding Oklahoma Department of Agriculture enforcement	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none

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292	2004/11/17	Oklahoma Office of the Attorney General	Yes	Landreth Law Firm, Stratus Consulting, Inc. (cc: Miller Keffer Bullock Pedigo LLC)	e-mail	correspondence regarding Oklahoma Eastern Shore Monitoring Program	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
293	2004/09/20	Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc.	Yes	Motley Rice LLC, Oklahoma Office of the Attorney General, Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc., Landreth Law Firm, Miller Keffer Bullock Pedigo LLC	memorandum	Memorandum regarding alternative remedies for repairing the environmental damage to the Illinois River Watershed and Lake Tenkiller and other affected Eastern Oklahoma watersheds	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
294	2004/05/16	Landreth Law Firm	Yes	Landreth Law Firm	e-mail	correspondence attaching Illinois River Damages spreadsheet	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
295	2004/11/29	Stratus Consulting, Inc.	No	Motley Rice LLC, Oklahoma Office of the Attorney General, Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc., Landreth Law Firm, Miller Keffer Bullock Pedigo LLC	presentation	presentation entitled "Oklahoma Poultry Litigation"	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
296	various dates in 2004	various authors including those from Landreth Law Firm and Stratus Consulting, Inc.	Yes, in part	Motley Rice LLC, Oklahoma Office of the Attorney General, Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc., Landreth Law Firm, Miller Keffer Bullock Pedigo LLC	log of notes and presentation portions	Damages Presentation 11/29/2004 - 11/30/2004	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
297	undated	Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc.	Yes	Motley Rice LLC, Oklahoma Office of the Attorney General, Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc., Landreth Law Firm, Miller Keffer Bullock Pedigo LLC	typed notes	typed notes on 11/29/04 Stratus Presentation	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none

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298	2004/12/21	Miller Keffer Bullock Pedigo LLC	Yes	Stratus Consulting, Inc.	e-mail	correspondence regarding proposed sampling	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
299	2003/04/04	Oklahoma Conservation Commission	No	Oklahoma Conservation Commission	e-mails	e-mails regarding monitoring agreement with Arkansas	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002801 - 0002803
300	2002/07/23	Oklahoma State University	No	Oklahoma Office of the Attorney General	draft Scope of Work	draft Scope of Work submitted to Attorney General's office estimating or establishing threshold phosphorus in IRW using SWAT	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002904-0002906
301	2002/04/28	Oklahoma Water Resources Board	No	Derek Smithee, Phillip Moershel, Jon Craig, Mark Derichsweiler, Oklahoma Conservation Commission, Oklahoma Office of the Attorney General, Ed Fite, Teena Gunter, Susan Krug, Dan Parrish, Michelle Sutton, Mike Smolen, Chris Bruehl (and cc: Duane Smith, Mark Coleman, Kristye Kirkshores, Mike Thralls)	e-mail	correspondence attaching handwritten annotations and also attaching document regarding possible implementation actions for phosphorus control	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002909 - 0002915
302	1997/07/30	Oklahoma Office of the Attorney General	Yes	Oklahoma Scenic Rivers Commission, Oklahoma Department of Environmental Quality, Oklahoma Water Resources Board, Oklahoma Conservation Commission, Oklahoma Secretary of the Environment	fax	correspondence regarding citizens' suit	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0003264 - 0003267

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303	2002/08/06	Oklahoma Conservation Commission	No	Margaret Blevins	e-mail	correspondence regarding bacterial data request	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002695
304	2005/03/31	Oklahoma Conservation Commission	No	Margaret Blevins	e-mail	correspondence regarding a reference stream	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002717
305	2005/04/05	Margaret Blevins	No	Oklahoma Conservation Commission	e-mail	correspondence regarding a reference stream	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002718
306	2004/09/21 - 2004/09/22	various (including Oklahoma Conservation Commission, Dan Storm, Margaret Blevins)	No	various (including Oklahoma Conservation Commission, Dan Storm, Margaret Blevins)	e-mails	correspondence regarding reference streams	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002739
307	2005/03/31	Oklahoma Conservation Commission	No	Oklahoma Conservation Commission	e-mails	correspondence regarding water quality sites	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002756 - 0002757
308	2004/10/14	Oklahoma Office of the Attorney General	Yes	Oklahoma Conservation Commission	letter	correspondence regarding data on Illinois River and other listed watersheds	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002762