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Reply to: John H. Tucker
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August 17, 2007

Louis Bullock
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VIA E-MAIL

David Riggs
Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc.
502 W. 6th Street
P.O. Box 1046
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Re: *State of Oklahoma v. Tyson*
Our File No. 1790-2

Gentlemen:

I have reviewed the Motion to Compel regarding production of a witness by Cargill which was filed yesterday.

Your Motion does not reflect the fact that Cargill had offered to produce a substantive witness on August 31 which witness would be the designated witness to respond to the Plaintiffs' deposition topics relating to Cargill operations and the Illinois River Watershed. As was discussed during the meet and confer, no one person will be able to address all of your topics and we are certain more than one witness will ultimately be required. As Ms. Mann noted in her letter to you following your most recent meet and confer and advising of the availability of a witness on this date, Cargill also agreed to consider each person produced a separate deposition for application of the rule concerning deposition time limits.

We are taking the fact that you chose to file a Motion to Compel as a rejection of our proposed offer of the first witness on August 31st. I urge you to reconsider your decision in the interest of moving this matter forward. Further, the Court would likely appreciate having that

EXHIBIT
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deposition go forward so there would then be a record on which to evaluate whether anything more is necessary.

I note that this is the approach that you have taken with all the other defendants. The other defendants raised objections very similar to Cargill's, and yet the State proceeded with the depositions without any anticipatory motion to compel.

The offer to present a responsive witness as set out in our previous correspondence remains open and we encourage you to take advantage of the opportunity. For scheduling purposes, please let me know by August 21.

Kindly advise.

Very truly yours,

John H. Tucker

JHT:law