From: Louis Bullock [mailto:lbullock@mkblaw.net]
Sent: Wednesday, August 22, 2007 6:57 PM
To: John Tucker
Cc: Kelly_Burch@oag.state.ok.us; rgarren@riggsabney.com; drggs@riggsabney.com
Subject: RE:

John:

We missed you at the depositions in Fayetteville. I am back and will consult with co-counsel in the morning and get back to you concerning your request.

Louis

From: John Tucker [mailto:jhtucker@rhodesokla.com]
Sent: Wed 8/22/2007 11:19 AM
To: Louis Bullock
Subject:

Louis: I wrote to you Friday last urging the State to go forward with the proffered first Cargill witness deposition for August 31, 2007. If you did so then you, and we, would be in a position to advise the Court as to the practical effect of the Cargill witness presentation plan. Without that any complaint you make is really in a vacuum and the Court would lose a valuable opportunity to determine if the difference in our two views of these depositions is real or speculative. Our requested date for a response to my letter was yesterday so we could get logistics in place to present the first witness. I heard nothing from the State yesterday. I could still make the 31st work if you were to notify me by this afternoon that you would like to go forward – without prejudice to your filed motion of course. Kindly advise one way or the other. Thank you. JHT

EXHIBIT

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From: John Tucker
Sent: Monday, August 27, 2007 10:16 AM
To: 'Louis Bullock'
Subject: RE: August 31, 2007

Louis;

Your email arrived after I had left the office Thursday for a meeting out of town. Thus I saw it this morning (Monday). We respect your position but I disagree with your conclusion. I would never have produced a witness who was ill informed, much less intentionally ill informed. You should know me well enough to know better than that. Your incorrect belief is a perfect example of why I urged you to go forward with the first witness as offered. When multiple issues are involved, it makes a great deal more sense to me to present witnesses with extensive first hand knowledge of specific topics than to present a spokesperson whose testimony would of necessity be based on what the witness had been told by others. A witness with extensive knowledge of the operations of Cargill in the Illinois watershed was the first witness to be presented. We believe he is the person with the most knowledge of that topic of your deposition request. To me it is obvious that is the very beneficial result of agreeing to present more than one witness. That is the same point I intend to make to the judge. As you say, I could have called instead of using email. It was my error to assume you would have your Blackberry with you in Fayetteville, that you would discuss my strong suggestion with David Riggs who was attending with you, and then get back to me. Thank you for your attention. JHT

-----Original Message-----
From: Louis Bullock [mailto:lbullock@mkblaw.net]
Sent: Thursday, August 23, 2007 6:00 PM
To: John Tucker
Subject: RE: August 31, 2007

John:

You might have called, I always enjoy talking with you and would not want to delay someone. Also in the future where you are working on a short deadline, please feel free to contact other Plaintiff's counsel

As for the merits of your communication, we do not believe it makes any sense to proceed with the deposition. Deposing a witness that is intentionally ill-informed is a waste of time. We either need Judge Joyner to hear our motion or for you to confess the motion. If you wish to discuss resolving this call and we will talk.

Louis

From: John Tucker [mailto:jhtucker@rhodesokla.com]
Sent: Thu 8/23/2007 5:14 PM
To: Louis Bullock; driggs@riggsabney.com
Subject: August 31, 2007

Louis: I received your email this morning to the effect that you did not receive my e-mail of yesterday on your BBerry and that you would get back to me today about it the deposition on August 31. It is after 5 now and I have not heard anything further from

you. Thus, I am presuming the State does not want to go forward with the first Cargill witness on the 31st as I have suggested and, accordingly, I have released the witness who is now making other plans for that date. Thank you for your attention. JHT