**UNITED STATES DISTRICT COURT**
**NORTHERN DISTRICT OF OKLAHOMA**

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| **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,** | ) | |
| **vs.** | ) | **05-CV-0329 GKF-SAJ** |
| **TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC., COBB-VANTRESS, INC., CAL-MAINE FOODS, INC., CAL-MAINE FARMS, INC., CARGILL, INC., CARGILL TURKEY PRODUCTION, LLC, GEORGE'S, INC., GEORGE'S FARMS, INC., PETERSON FARMS, INC., SIMMONS FOODS, INC., and WILLOW BROOK FOODS, INC.,** | ) | |
| **Defendants.** | ) | |

**DEFENDANT TYSON FOODS, INC'S NOVEMBER 16, 2007 REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFFS**

Defendant Tyson Foods, Inc. ("Tyson") pursuant to Fed. R. Civ. P. 34 requests that the Plaintiffs produce the following documents within thirty (30) days.

**INSTRUCTIONS**

The following instructions shall apply to these Requests for Production of Documents:

1. You are to produce all documents in your possession, custody or control responsive to these requests including any and all responsive, non-privileged documents in the possession of independent contractors, agents, attorneys, paralegals, accountants, consultants,



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aides, servants, assistants, and any other persons or entities acting or purporting to act or who have acted on your behalf, at your direction or under your control.

2. If any or all documents requested herein are no longer in your possession, custody, or control because of destruction, loss or any other reason, then do the following with respect to each and every such document: (a) describe the nature of the document (e.g., letter or memorandum); (b) state the date of the document; (c) identify the person who sent and received the original and a copy of the document; (d) state in as much detail as possible the contents of the document; and (e) state the manner and date of disposition of the document.

3. If you contend that you are entitled to withhold from production any or all documents identified herein on the basis of the attorney/client privilege, the work-product doctrine, the non-testifying expert provisions of Rule 26(b)(4)(B) or other grounds, then do the following with respect to each and every document: (a) describe the nature of the document (e.g., letter or memorandum); (b) state the date of the document; (c) identify the person who sent and received the original and a copy of the document; (d) state the subject matter of the document; and (e) state the basis upon which you contend you are entitled to withhold the document from production.

## DEFINITIONS

The following definitions shall apply to these Requests for Production of Documents:

1. If a term is undefined, you shall ascribe the common, dictionary meaning to the term.

2. For purposes of these Requests: (i) the plural shall include the singular and the singular the plural; (ii) one gender shall include the other gender; and (iii) the past tense shall include the present tense and vice versa.

3. The terms "and" and "or" are both used in the inclusive sense; both require all information that meets the description of one or more of the disjunctive words or phrases.

4. "Preliminary Injunction Motion" shall mean Plaintiffs' Motion for Preliminary Injunction filed on November 14, 2007 in the Lawsuit, any supporting briefs and exhibits and any subsequent amendments and/or supplements thereto.

5. "Document(s)" shall be used in its broadest sense as defined in Fed. R. Civ. P. 34(a) and shall mean and include all written, printed, typed, recorded or graphic matter of every kind and description, both originals and copies, and all attachments and appendices thereto. "Documents" also include lab reports, test results, QA/QC documents, chain of custody documents, data compilations, maps, photographs, sketches, notes and drawings. "Documents" also include all electronically stored information.

6. The "Lawsuit" shall mean the action pending in the United States District Court for the Northern District of Oklahoma, Case No. 4:05-cv-00329-GKF-SAJ, and styled as *State of Oklahoma, et re., 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 v. Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., Cobb-Vantress, Inc., Aviagen, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc. and Willow Brook Foods, Inc.*

7. The "IRW" or "Watershed" shall refer to the Illinois River Watershed and shall have the same meaning as that expressed in the complaint(s) you filed in the Lawsuit.

8. "You," "your" or "yourself" shall include the Plaintiffs and all independent contractors, agents, attorneys, paralegals, accountants, consultants, aides, servants, assistants, and

any other persons or entities acting or purporting to act or who have acted on your behalf, at your direction or under your control.

## REQUESTS FOR PRODUCTION OF DOCUMENTS

**REQUEST FOR PRODUCTION NO. 1:** Please produce the entire working file of Lowell Caneday including but not limited to all correspondence (including e mails) between you or your counsel and Mr. Caneday and all Documents prepared, obtained, received or reviewed by or made available to Mr. Caneday in connection with the Lawsuit.

**REQUEST FOR PRODUCTION NO. 2:** Please produce the entire working file of J. Berton Fisher including but not limited to all correspondence (including e mails) between you or your counsel and Mr. Fisher and all Documents prepared, obtained, received or reviewed by or made available to Mr. Fisher in connection with the Lawsuit.

**REQUEST FOR PRODUCTION NO. 3:** Please produce the entire working file of Christopher M. Teaf including but not limited to all correspondence (including e mails) between you or your counsel and all Documents prepared, obtained, received or reviewed by or made available to Mr. Teaf or other principals or employees of Hazardous Substance and Management Research, Inc. in connection with the Lawsuit.

**REQUEST FOR PRODUCTION NO. 4:** Please produce the entire working file of C. Robert Taylor including but not limited to all correspondence (including e mails) between you or your counsel and all Documents prepared, obtained, received or reviewed by or made available to Mr. Taylor in connection with the Lawsuit.

**REQUEST FOR PRODUCTION NO. 5:** Please produce the entire working file of Bernard Engel including but not limited to all correspondence (including e mails) between you or your counsel and all Documents prepared, obtained, received or reviewed by or made available to Mr. Engel in connection with the Lawsuit.

**REQUEST FOR PRODUCTION NO. 6:** Please produce the entire working file of Gordon V. Johnson including but not limited to all correspondence (including e mails) between you or your counsel and Mr. Johnson and all Documents prepared, obtained, received or reviewed by or made available to Mr. Johnson in connection with the Lawsuit.

**REQUEST FOR PRODUCTION NO. 7:** Please produce the entire working file of Roger L. Olsen including but not limited to all correspondence (including e mails) between you or your counsel and Mr. Olsen and all Documents prepared, obtained, received or reviewed by or made available to Mr. Olsen in connection with the Lawsuit.

**REQUEST FOR PRODUCTION NO. 8:** Please produce the entire working file of Valerie Harwood including but not limited to all correspondence (including e mails) between you or your counsel and Ms. Harwood and all Documents prepared, obtained, received or reviewed by or made available to Ms. Harwood in connection with the Lawsuit.

**REQUEST FOR PRODUCTION NO. 9:** Please produce the entire working file of Dr. Robert S. Lawrence including but not limited to all correspondence (including e mails) between you or your counsel and Dr. Lawrence and all Documents prepared, obtained, received or reviewed by or made available to Dr. Lawrence in connection with the Lawsuit.

**REQUEST FOR PRODUCTION NO. 10:** Please produce all reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by Lowell Caneday, J. Berton Fisher, Christopher M. Teaf, C. Robert Taylor, Bernard Engel, Gordon V. Johnson, Roger L. Olsen, Valerie Harwood and/or Dr. Robert S. Lawerence in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss poultry production, the relationship between integrators and contract growers or the land application of poultry litter.

**REQUEST FOR PRODUCTION NO. 11:** Please produce all reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by Lowell Caneday, J. Berton Fisher, Christopher M. Teaf, C. Robert Taylor, Bernard Engel, Gordon V. Johnson, Roger L. Olsen, Valerie Harwood and/or Dr. Robert S. Lawerence in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss the human health, ecological or environmental risks associated with the presence of or exposure to nutrients, metals, bacteria or hormones.

**REQUEST FOR PRODUCTION NO. 12:** Please produce all reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by Lowell Caneday, J. Berton Fisher, Christopher M. Teaf, C. Robert Taylor, Bernard Engel, Gordon V. Johnson, Roger L. Olsen, Valerie Harwood and/or Dr. Robert S. Lawerence in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss the IRW, environmental conditions of the IRW (including the condition of soils, sediments, surface water, ground water, drinking water and biota), sources of or contributors to the release of nutrients, metals, bacteria or hormones into the IRW.

**REQUEST FOR PRODUCTION NO. 13:** Please produce all reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by Lowell Caneday, J. Berton Fisher, Christopher M. Teaf, C. Robert Taylor, Bernard Engel, Gordon V. Johnson, Roger L. Olsen, Valerie Harwood and/or Dr. Robert S. Lawerence in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss recreational use of waters located within the IRW.

**REQUEST FOR PRODUCTION NO. 14:** Please produce transcripts from all deposition, trial or hearing testimony given in the last 10 years by Lowell Caneday, J. Berton Fisher, Christopher M. Teaf, C. Robert Taylor, Bernard Engel, Gordon V. Johnson, Roger L. Olsen, Valerie Harwood and/or Dr. Robert S. Lawerence in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) in which they were purportedly serving as an expert witness.

**REQUEST FOR PRODUCTION NO. 15:** Please produce copies of all orders or written opinions entered by courts or administrative in any civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) excluding or limiting proffered expert testimony or opinions by Lowell Caneday, J. Berton Fisher, Christopher M. Teaf, C. Robert Taylor, Bernard Engel, Gordon V. Johnson, Roger L. Olsen, Valerie Harwood and/or Dr. Robert S. Lawerence.

**REQUEST FOR PRODUCTION NO. 16:** Please produce copies of all Documents and tangible items of proof or evidence which you may seek to introduce into evidence or use for demonstrative purposes at any hearing conducted in connection with the Preliminary Injunction Motion.

Respectfully submitted,

**KUTAK ROCK LLP**

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## CERTIFICATE OF SERVICE

I certify that on the 16th day of November 2007, I mailed the above and foregoing document to the following by U.S. Mail with postage thereon fully prepaid and served the same electronically:

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I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following:

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