FAEGRE & BENSON LLP

UNITED STATES | ENGLAND | GERMANY | CHINA

BRUCE JONES
bjones@faegre.com
(612) 766-7426

November 16, 2007

David Riggs
Richard Garren
Riggs, Abney, Neal, Turpen, Orbison & Lewis
502 West Sixth Street
Tulsa, OK 74119

BY EMAIL

Re: State of Oklahoma v. Tyson Foods, Inc. et al.
Court File No. 4:05-CV-00329-GKF-SAJ
Our File No. 320833

Dear Messrs Riggs and Garren:

In reviewing the Motion for Preliminary Injunction and Exhibits that Plaintiffs served yesterday in the above-captioned case, we note that Plaintiffs directly rely on the affidavits of at least nine previously undisclosed experts, specifically Lowell Caneday, J. Berton Fisher, Christopher M. Teaf, C. Robert Taylor, Bernard Engel, Gordon V. Johnson, Roger L. Olsen, Valerie J. Harwood, and Robert S. Lawrence. As you know, Plaintiffs have not yet provided expert disclosures concerning any of these experts. Given Plaintiffs' public filing of these affidavits and heavy reliance on them in the motion, Plaintiffs can have no reasonable objection to providing full expert disclosures concerning each of these experts. Indeed, given the Plaintiffs' desire for haste in addressing the motion, I would anticipate that Plaintiffs would want these disclosures in Defendants' hands as soon as possible.

I therefore formally request that Plaintiffs provide full Rule 26(a)(2)(B) expert disclosures for each of the nine experts listed above not later than Monday, November 26, 2007. These disclosures will of course include the required expert report, which will contain:

> a complete statement of all opinions to be expressed and the basis and reasons therefor; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; the qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years; the compensation to be paid for the study and testimony; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

EXHIBIT
2

Fed. R. Civ. P. 26(a)(2)(B); see also, e.g., Defendant Tyson's First Set of Interrogatories to Plaintiffs, No. 1 (May 2, 2006) (seeking disclosure of expert information permitted under Rule 26). This request is of course just the first step in Defendants' preparations to respond to Plaintiffs' experts, and is without prejudice to (1) any objections Defendants may have to any failure by Plaintiffs to comply with the Federal Rules of Civil Procedure in offering these opinions in the present motion and (2) Defendants' rights to full and adequate responses to any other discovery that the Cargill Defendants or any other Defendants have served or may serve in the future.

If you anticipate that you will have any difficulty providing this disclosure by November 26, 2007 as to any of the experts listed above, I would appreciate it if you would let me know as soon as possible. My thanks for your attention to this matter.

Very truly yours,

Bruce Jones

Bruce Jones

fb.us.2423136.03

cc: All Defense Counsel of Record