RHODES, HIERONYMUS, JONES, TUCKER & GABLE, P.L.L.C.
LAWYERS

ONEOK Plaza
100 West 5th Street, Suite 400
Tulsa, Oklahoma 74103-4287
Telephone (918) 582-1173
Fax (918) 592-3390
www.rhodesokla.com

Mailing Address
P.O. Box 21100
Tulsa, Oklahoma 74121-1100

Chris L. Rhodes, III
Bert M. Jones
John H. Tucker
Jo Anne Deaton
Dan S. Folluo
Ann E. Allison
Andrew D. Downing
Bradley A. Jackson
Colin H. Tucker

Kerry R. Lewis
Leslie J. Southerland
Nathan E. Clark
Theresa Noble Hill
Carlye O. Jimerson
Bradley S. Shelts
Lindsey J. McDowell
Denelda L. Richardson
Maria E. Cervantes
Wm. Baron VanBurkleo

Hal Crouch (1902-1947)
Chris L. Rhodes (1902-1966)
E. D. Hieronymus (1908-1994)
George W. Gable (1918-2000)

— Est. 1931 —

Daniel D. Draper, III
James D. Johnson
Of Counsel

RhodesHieronymus
O K L A H O M A

Reply to **John H. Tucker**
jtucker@rhodesokla.com

April 18, 2008

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

VIA FACSIMILE- 587-9708
and VIA E-MAIL

Re: State of Oklahoma vs. Tyson, et al.

Dear Rick:

I received your letter dated April 11.

Documents

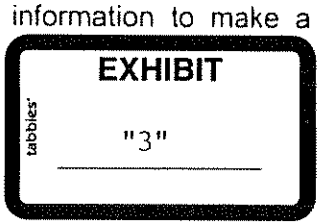
We are both involved in document production that is extremely expensive and time consuming. It seems it is never-ending.

Last August we sent people to Arkansas to review documents in a warehouse to update our production pursuant to our July 19 meet and confer and the July 6 Order. At that time, another group of storage documents was identified in another warehouse. After days of review, over 200 boxes were identified as containing documents that might be responsive to discovery requests and these were sent to Oklahoma. Our vendor, IKON, took possession of these documents and completed scanning the same in March of this year.

Much of the contents of these boxes are outside the 5 year disclosure rule. Your motion regards the 5 year rule is still pending. Accordingly, we have not yet spent the time and money required to identify and remove those out of scope documents.

These documents are dated back to the early 70's. Much of what is in the boxes appears to be the kinds of reports and records you have previously described as "trash." Many of the box contents – though perhaps duplicative – do appear responsive to the State's broad requests.

Much of the material probably relates to locations outside the IRW. However, the documents do not give sufficient information to make a clear determination based on the



documentation alone. To facilitate your timely review, we are not taking the time to determine which documents relate to non-IRW matters.

When I received your April 11 letter, I asked IKON to deliver the boxes to our office. Though your motion is still undecided, we know time is passing. We believe it is better to let you review all these documents now, reserving our right to remove documents that are outside the scope as to time and geography at a later time. I suggest that you plan to come here to look at these materials.

We will sit down with you to provide you any explanation that you need with respect to the contents. Some of these materials include medical or other documents which are not for disclosure under federal law. If you discover something in these boxes that is necessary for your liability experts, then we need to address an agreement relating to supplementation of your expert reports as to Cargill.

We recently realized there are additional materials responsive to your requests that we thought had been produced to you. Some were inadvertently omitted. They will be in our office for you as well.

We continue to search for more responsive materials and will supplement our responses should more materials be discovered.

The invitation to review is subject to preservation of our position on the time and geographic scope of discovery as well as concerns regarding confidentiality and privilege. By permitting review of these materials, Cargill does not waive its position on the Court Orders that limits the scope of discovery.

Depositions

Since July 16, 2007 we have been working toward a date for 30(b)(6) witnesses. We provided you 30(b)(6) witness depositions from the City of Tulsa case and the documents you requested. For the most part, the same witnesses will be offered in this case.

We previously notified you that our witness responsive to your operations topics would be presented on behalf of both defendants on the first of your requested dates, April 22 and 23. However, as the older documents from the warehouse are being tendered now, we have rescheduled the first witness for the second of your preferred dates, April 29 and 30.

The first witness will respond to:

1) the following topics in your March 24, 2008 Notice to Cargill, Inc.: 4, 5, 7, 10, 12,13, 14, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 31(a), 33, 34, 36, and 38; and
2) the following topics in your March 24, 2008 Notice to Cargill Turkey Production, LLC: 3, 4, 6, 9, 11, 12, 13, 15, 16, 17, 18, 25, 26, 27, 28, 29, 30, 31, 32(a), 34, 35, 37, and 39.

We offered the second witness for deposition on April 10 and 11 but that date was not acceptable to Plaintiffs. The next date the business schedule of the witness allows sufficient time for a deposition is May 22 or 23. If that is not convenient, we can look for another date.

The second witness will be offered in response to:

1) the following topics in your March 24, 2008 Notice to Cargill, Inc.: 1, 2, 3, 6, 8, 9, 11, 15, 23, 24, 25, 30, 31 (b-d), 32, 35, 37, 39, 40, and 41; and
2) the following topics in your March 24, 2008 Notice to Cargill Turkey Production, LLC: 1, 2, 5, 7, 8, 10, 14, 19, 20, 21, 22, 23, 24, 32 (b-d), 33, 36, 38, 40 and 41.

The first witness and not the second, will be offered for operational topics and thus the May deposition date for the second witness should in no way interfere with your expert witness report deadline.

Plan to come over to review these boxes and let's work together to resolve your concerns about depositions.

Very truly yours,

John H. Tucker

JHT:law