IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**Case No. 4:05-cv-00329-TCK-SAJ**
	)	
TYSON FOODS, INC., et al.,	)	
	)	
Defendants.	)	

OBJECTIONS AND RESPONSES OF STATE OF OKLAHOMA TO SEPARATE DEFENDANT TYSON CHICKEN INC.'S FIRST SET OF INTERROGATORIES PROPOUNDED TO PLAINTIFFS

The Plaintiff State of Oklahoma respectfully submits its objections and responses to Defendant Tyson Chicken, Inc's First Set of Interrogatories propounded to Plaintiffs. The State maintains numerous records at many agencies and its records review is ongoing. The State shall supplement the following responses and attached privilege logs should additional responsive or privilege-protected documents come to its attention.

GENERAL OBJECTIONS

1. The State objects to these discovery requests to the extent that they seek the discovery of information that is protected by the attorney-client privilege and/or the work product doctrine.

2. The State objects to these discovery requests to the extent that they seek the discovery of information that is already in the possession of defendant, is obtainable from another source that is more convenient, less burdensome or less expensive, or is as accessible to defendant as it is to the State. As such, the burden of obtaining such sought-after information is substantially the same, or less, for defendant

Exhibit 18-2

as it is for the State.

3. The State objects to these discovery requests to the extent that they are overly broad, oppressive, unduly burdensome and expensive to answer. Providing answers to such discovery requests would needlessly and improperly burden the State.

4. The State objects to these discovery requests to the extent that they improperly seek identification of "all" items or "each" item of responsive information. Such discovery requests are thus overly broad and unduly burdensome. It may be impossible to locate "all" items or "each" item of responsive information to such discovery requests.

5. The State objects to the extent that discovery sought is unreasonably cumulative or duplicative.

6. The State objects to these discovery requests to the extent that they do not state with the required degree of specificity and particularity what information is being sought. As such, such discovery requests are vague, indefinite, ambiguous and not susceptible to easily discernible meaning.

7. The state objects to these discovery requests to the extent that the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties resources, and the importance of the proposed discovery in resolving the issues.

8. The State objects to these discovery requests to the extent that they improperly attempt to impose obligations on the State other than those imposed or authorized by the Federal Rules of Civil Procedure.

9. The State objects to the definitions of these discovery requests to the extent that they improperly attempt to alter the plain meaning of certain words.

10 By submitting these responses, the State does not acknowledge that the requested information is necessarily relevant or admissible. The State Expressly reserves the right to object to further discovery into

the subject matter of any information provided and to the introduction of such information into evidence.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: Please Identify all reports, studies, Publications, research, sampling data or monitoring data which demonstrates or which the State believes tends to demonstrate that the soil, water, sediments or biota in the IRW has been injured by or become contaminated with zinc or zinc compounds disposed of or released by the Tyson Defendant or any person or Entity for which the Tyson Defendant may allegedly be held legally responsible.

OBJECTIONS AND RESPONSES TO NO. 1: The State objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work production protection.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26. Therefore, the State also objects to this interrogatory to the extent it calls for information which constitutes expert opinions, the disclosure of which is premature.

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its

counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action or if the State identifies additional documents subject to a claim of privilege or protection.

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this interrogatory.

Without waiving the foregoing general and specific objections, the State believes that following reports demonstrate or tend to demonstrate that soil, water, sediments or biota in the IRW have been injured by or become contaminated with zinc or zinc compounds disposed of or release by the Tyson Defendants or by those for which the Tyson Defendants are legally responsible:

> Blackerby, S.D. (1997) Evaluation of Nonpoint Source Pollution Concentrations Due to Runoff from Agricultural Land Applied with Broiler Litter. M.S. Thesis, Stephen F. Austin State University, Nacogdoches, TX, 100 p.
>
> Brown, A.V., Graening, G.O., Vendrell, P., (1998) Monitoring Cavefish Population and Environmental Quality in Cave Springs Cave, Arkansas. Arkansas Water Resource Center, Publication No. MSC-214.

Haapapuro, E.R.; Barnard, N.D.; Simon, M. (1997) Review-Animal Waste Used as Livestock Feed: Dangers to Human Health. Preventive Medicine 26:599-602.

Moore, P.A., Jr.; Daniel, T.C; Gilmour, J.T; Shreve, B.R; Edwards, D.R. (1998) Decreasing Metal Runoff from Poultry Litter with Aluminum Sulfate. Journal of Environmental Quality. 27:92-99.

Wilde, F.D.; Britton, L.J.; Miller, C.V.; Kolpin, D.W. (2000) Effects of Animal Feeding Operations on Water Resources and the Environment - Proceedings of the technical meeting, Fort Collins, Colorado, August 30 - September 1, 1999. United States Geological Survey Open-File Report 00-204, 107 p.

The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

INTERROGATORY NO. 2: Please Identify all reports, studies, Publications, research, sampling data or monitoring data which demonstrates or which the State believes tends to demonstrate that the soil, water, sediments or biota in the IRW has been injured by or become contaminated with cooper [sic] or copper compounds disposed of or released by the Tyson Defendants or any person or Entity for which the Tyson Defendants may allegedly be held legally responsible.

OBJECTIONS AND RESPONSE TO NO. 2: The State objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work production protection.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation

of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26. Therefore, the State also objects to this interrogatory to the extent it calls for information which constitutes expert opinions, the disclosure of which is premature, or if the State identifies additional documents subject to a claim of privilege or protection.

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action, or if the State identifies additional documents subject to a claim of privilege or protection.

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this interrogatory.

In further response to this Interrogatory and pursuant to Fed. R. Civ. P. 33(d), information sought

in this Interrogatory, and whose production is not objected to herein, may be found within the business records being provided to this Defendant. Identification of such business records will occur on a rolling basis as the State's review of its business records proceeds. An example of the documents which demonstrate and which the Plaintiffs believe tend to demonstrate "that the soil, water, sediments or biota in the IRW [have] been injured by or become contaminated with copper or copper compounds disposed of or released by the Tyson Defendant" or those for which the Tyson Defendant is legally responsible, please see Response to Interrogatory No. 11 (Tyson Poultry, Inc) and Response to Interrogatory No. 1 (Tyson Chicken, Inc).

The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

INTERROGATORY NO. 3: Please Identify all reports, studies, Publications, research, sampling data or monitoring data which demonstrates or which the State believes tends to demonstrate that the soil, water, sediments or biota in the IRW has been injured by or become contaminated with hormones disposed of or released by the Tyson Defendants or any person or Entity for which the Tyson Defendants may allegedly be held legally responsible.

OBJECTIONS AND RESPONSE TO NO. 3: The State objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work production protection. The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which expert retained by it or by its counsel will provide expert testimony in this case, and

the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26. Therefore, the State also objects to this interrogatory to the extent it calls for information which constitutes expert opinions, the disclosure of which is premature.

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action, or if the State identifies additional documents subject to a claim of privilege or protection.

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this interrogatory.

The State also objects because this Interrogatory seeks information that is as readily available to, known by, and identifiable by the defendant. Poultry waste is known to contain substantial amounts of hormones, including but not limited to, 17-βestradiol (estrogen).

Without waiving the foregoing general and specific objections, the State believes that following reports demonstrate or tend to demonstrate that soil, water, sediments or biota in the IRW have been injured by or become contaminated with hormones disposed of or release by the Tyson Defendants or by those for which the Tyson Defendants are legally responsible:

Peterson, E. W.; Davis, R. K.; Orndorff, H. A. 2000. 17 ?-estradiol as an Indicator of Animal Waste Contamination in Mantled Karst Aquifers. Journal of Environmental Quality 29(3):826-834.

Peterson, E. W.; Wicks, C. M.; Kelly, C. A. (2005) Persistence of 17 {beta}-Estradiol in Water and Sediment-Pore Water from Cave Streams in Central Missouri. Environmental and Engineering Geoscience 11: 221-228.

Ying, G.; Kookana, R.S.; Ru, Y. (2002) Occurance and Fate of Hormone Steroids in the Environment. Environmental International 28: 545-551.

Wicks, C.; Kelley, C.; Peterson, E. (2004) Estrogen in a Karstic Aquifer. Ground Water 42(3):384-389.

The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

INTERROGATORY NO. 4: Please Identify all reports, studies, Publications, research, sampling data or monitoring data which demonstrates or which the State believes tends to demonstrate that the soil, water, sediments or biota in the IRW has been injured by or become contaminated with microbial pathogens disposed of or released by the Tyson Defendants or any person or Entity for which the Tyson Defendants may allegedly be held legally responsible.

OBJECTIONS AND RESPONSE TO NO. 4: The State objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work production protection.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26. Therefore, the State also objects to this interrogatory to the extent it calls for information which constitutes expert opinions, the disclosure of which is premature.

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or

privileged materials created after the commencement of this action, or if the State identifies additional documents subject to a claim of privilege or protection.

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this interrogatory.

Further, the State objects because this Interrogatory seeks information that is as readily available to, known by, and identifiable by the defendant.

Subject to and without waiving general and specific objections, the State believes the following publically available information demonstrates or tends to demonstrate that soil, water, sediments or biota in the IRW have been injured by or become contaminated with microbial pathogens disposed of or release by the Tyson Defendants or by those for which the Tyson Defendants are legally responsible:

http://www.ose.state.ok.us/documents.html#972
http://www.okcc.state.ok.us/WQ/WQ_reports.htm
http://ok.water.usgs.gov/
http://www.deq.state.ok.us/WQDnew/pubs.html
http://www.sundarlrk.er.usgs.gov//illinoisrivierbasin
http://owrb.state.ok.us/quality/monitoring/bump.php

Subject to and without waiving its general and specific objections, the State believes that the following reports demonstrate or tend to demonstrate that soil, water, sediments or biota in the IRW have been injured by or become contaminated with microbial pathogens disposed of or release by the Tyson Defendants or by those for which the Tyson Defendants are legally responsible:

Adamski, J.C., and Steele, K.F. (1988) Agricultural land use effects on groundwater quality in the Ozark Region: Proceedings of Agricultural Impacts on Groundwater Conference, National Water Well Association, Dublin, OH, pp. 593-614.

Blackerby, S.D. (1997) Evaluation of Nonpoint Source Pollution Concentrations Due to Runoff from Agricultural Land Applied with Broiler Litter. M.S. Thesis, Stephen F. Austin State University, Nacogdoches, TX, 100 p.

Edwards, D.R.; Coyne, M.S.; Vendrell, P.F.; Daniel, T.C.; Moore, P.A., Jr.; and Murdoch, J.F. (1997) Fecal Coliform and Streptococcus Concentrations in Runoff from Grazed Pastures in Northwest Arkansas. Journal of American Water Resources Association 33(2):413-422.

Brown, A.V.; Graening, G.O.; Vendrell, P. (1998) Monitoring Cavefish Population and Environmental Quality in Cave Springs Cave, Arkansas. Arkansas Water Resource Center, Publication No. MSC-214.

Edwards, D.R.; Daniel, T.C. (1992) Environmental Impacts of On-Farm Poultry Waste Disposal - A Review. Bioresource Technology 41: 9-33.

Marshall, D.; Brahana, J.V.; Davis, R. (1998) Resuspension of Viable sediment-Bound Enteric Pathogens in Shallow Karst Aquifers in Proceedings of the Joint meeting of the XXVIII congress of the International Association of Hydrogeologists and the Annual meeting of the American Institute of Hydrologists on Gambling with groundwater; physical, chemical, and biological aspects of aquifer-stream relations 28: 179-186.

Whitsett, K.S. (2002) Sediment and Bacterial Tracing in Mantled Karst at Savoy Experimental Watershed, Northwest Arkansas. M.S. Thesis, University of Arkansas, Fayetteville. 66 p.

Davis, R.K.; Hamilton, S; Brahana, J.V. (2005) Escherichia Coli Survival in Mantled Karst Springs and Streams, Northwest Arkansas Ozarks, USA. Journal of the American Water Resources Association. 41(6):1279-1287.

The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

INTERROGATORY NO. 5: Please Identify all reports, studies, Publications, research, modeling, sampling data or monitoring data which assesses or purports to assess that relative contributions (whether

expressed in percentages, pounds, tons or other units) of any or all the defendants named in this Lawsuit to any injury, loss, damage, destruction, impairment or endangerment to the natural resources within the IRW due to the alleged release or disposal of phosphorus/phosphorus compounds, nitrogen/nitrogen compounds, arsenic/arsenic compounds, zinc/zinc compounds, cooper/cooper [sic] compounds, hormones or microbial pathogens.

OBJECTIONS AND RESPONSE TO INTERROGATORY NO. 5: The State objects to this interrogatory to the extent it seeks the discovery of information that is protected by the attorney client privilege and / or the work product doctrine.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26. Therefore, the State also objects to this interrogatory to the extent it calls for information which constitutes expert opinions, the disclosure of which is premature.

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action, or if the State identifies additional documents subject to a claim of privilege or protection.

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this interrogatory.

Further, the State objects because this Interrogatory seeks information that is as readily available to, known by, and identifiable by the defendant.

Subject to and without waiving any of its general or specific objections, the State states that under the State's CERCLA and common law claims the liability of the Poultry Integrator Defendants in this action is joint and several, and the injury is indivisible. The State is not aware of any non-privileged information that specifically identifies any individual Defendant's relative contribution to any injury, loss, damage, destruction, impairment or endangerment to the natural resources within the IRW due to the alleged release or disposal of phosphorus/phosphorus compounds, nitrogen/nitrogen compounds, arsenic/arsenic compounds, zinc/zinc compounds, cooper/cooper [sic] compounds, hormones or microbial pathogens.

To the extent any reports, studies, publications, research, modeling, sampling data or monitoring data exists in the public domain, such information is equally accessible to the Poultry Integrator Defendants and the burden of obtaining such information is substantially the same for the Poultry Integrator Defendants as it for the State. Accordingly, the State objects.

In further response to this Interrogatory and pursuant to Fed. R. Civ. P. 33(d), information sought in this Interrogatory, and whose production is not objected to herein, may be found within the business records being provided to this Defendant. Identification of such business records will occur on a rolling basis as the State's review of its business records proceeds.

The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

INTERROGATORY NO. 6: Please Identify all reports, studies, Publications, research, sampling data or monitoring data which You contend establishes or tends to establish the contamination, degradation, pollution or any other adverse impact upon any Water Body in the IRW as result of the release of phosphorus or phosphorus compounds.

OBJECTIONS AND RESPONSES TO NO. 6: The State objects to this interrogatory to the extent it seeks the discovery of information that is protected by the attorney client privilege and / or the work product doctrine.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this

case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action, or if the State identifies additional documents subject to a claim of privilege or protection.

The State objects to this interrogatory to the extent it seeks the discovery of information that is already in the possession of defendant, is obtainable from another source that is more convenient, less burdensome or less expensive, or is as accessible to defendant as it is to the State. As such, the burden of obtaining such sought after information is substantially the same, or less, for defendant as it is for the State.

The State objects to this interrogatory on the grounds that it is not limited in time which renders this

interrogatory overly broad, oppressive, unduly burdensome and expensive to answer. Providing answers to such a discovery requests would needlessly and improperly burden the State.

The State further objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information and that the term "Relate" renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this interrogatory.

The State objects to interrogatory to the extent that it does not state with the required degree of specificity and particularity what information is being sought. As such, such discovery requests are vague, indefinite, ambiguous and not susceptible to easily discernible meaning.

The State objects to the extent that discovery sought is unreasonably cumulative or duplicative in that such information has previously been requested by Defendant Cobb-Vantress, Inc..

Subject to and without waiving its general or specific objection, the State believes that following publically available information demonstrates or tends to demonstrate that contamination, degradation, pollution or any other adverse impact upon water bodies in the IRW as a result of the release of phosphorus or phosphorus compounds:

http://www.ose.state.ok.us/documents.html#972
http://www.owrb.state.ok.us/quality/monitoring/bump.php
http://www.okcc.state.ok.us/WQ/WQ_reports.htm
http://www.deq.state.ok.us/WQDnew/pubs.html
http://ok.water.usgs.gov/

In further response to this Interrogatory and pursuant to Fed. R. Civ. P. 33(d), information sought in this Interrogatory, and whose production is not objected to herein, may be found within the business records being provided to this Defendant. Identification of such business records will occur on a rolling

basis as the State's review of its business records proceeds.

The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

INTERROGATORY NO. 7: Please Identify all reports, studies, Publications, research, sampling data or monitoring data which You contend establishes or tends to establish the contamination, degradation, pollution or any other adverse impact upon any Water Body in the IRW as result of the release of nitrogen or nitrogen compounds.

OBJECTIONS AND RESPONSE TO NO. 7: The State objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work production protection.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26. Therefore, the State also objects to this interrogatory to the extent it calls for information which constitutes expert opinions, the disclosure of which is premature.

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by

its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action, or if the State identifies additional documents subject to a claim of privilege or protection.

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this interrogatory.

Subject to and without waiving its general or specific objection, the State believes that following publically available information demonstrates or tends to demonstrate that contamination, degradation, pollution or any other adverse impact upon water bodies in the IRW as a result of the release of nitrogen or nitrogen compounds:

http://www.ose.state.ok.us/documents.html#972
http://www.owrb.state.ok.us/quality/monitoring/bump.php
http://www.okcc.state.ok.us/WQ/WQ_reports.htm
http://www.deq.state.ok.us/WQDnew/pubs.html
http://ok.water.usgs.gov/

Subject to and without waiving its specific and general objections, the State believes that the

following reports demonstrate or tend to demonstrate contamination, degradation, or pollution have adversely impacted the IRW as a result of the release of nitrogen or nitrogen compounds from poultry waste:

Adamski, J.C.; Steele, K.F. (1988) Agricultural Land Use Effects on Groundwater Quality in the Ozark Region: Proceedings of Agricultural Impacts on Groundwater Conference, National Water Well Association, Dublin, OH, pp. 593-614.

Buchberger, E. (1991) An Economic and Environmental Analysis of Land Application of Poultry Litter in Northwest Arkansas. M.S. Thesis, University of Arkansas, Fayetteville, 108 p.

Cox, G.D.; Ogden, A.E.; and Slavik, G. (1980) Contamination of Boone-St. Joe Limestone Groundwater by Septic Tanks and Chicken Houses. Arkansas Academy of Science Proceedings, Vol. XXXIV, 41-44.

Peterson, E. W.; Davis, R. K.; Brahana, J. V.; Orndorff, H.A. (2002) Movement of Nitrate Through Regolith Covered Karst Terrain, Northwest Arkansas. Journal of Hydrology 256(1-2):35-47.

Phan, T. (2001) Cost of Water Pollution Abatement for Poultry Farms in Beaty Creek Watershed, Oklahoma. PhD Dissertation. Oklahoma State University, 114 p.

Sauer, T. J.; Moore, P. A., Jr.; Coffey, K. P.; Rutledge, E. M. (1998) Characterizing the Surface Properties of Soils at Varying Landscape Positions in the Ozark Highlands. Soil Science 163(11):907-915.

Smith, C.R. (1992) Ground Water Chemistry and Quality in Benton County, Arkansas with a Suggested Ground Water Flow Model for Northwestern Arkansas. MS Thesis, University of Arkansas, Fayetteville, 192 p.

Steele, K.; McCalster, W.K. (1990) Nitrate Concentrations of Ground Water from Limestone and Dolomitic Aquifers in the Northeastern Washington County Area, Arkansas. Arkansas Water Resources Center Publication No. MSC-68, 33 p.

Wolf, D. C.; Gilmour, J. T.; Gale, P. M. (1988) Estimating Potential Ground and Surface Water Pollution from Land Application of Poultry Litter; II. Arkansas Water Resources Research Center Publication No. 137, 34 p.

The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

INTERROGATORY NO. 8: Please Identify all reports, studies, Publications, research, sampling data or monitoring data which You contend establishes or tends to establish the contamination, degradation, pollution or any other adverse impact upon any Water Body in the IRW as result of the release of arsenic or arsenic compounds.

OBJECTIONS AND RESPONSE TO NO 8: The State objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work production protection.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26. Therefore, the State also objects to this interrogatory to the extent it calls for information which constitutes expert opinions, the disclosure of which is premature.

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action, or if the State identifies additional documents subject to a claim of privilege or protection.

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this interrogatory.

Subject to and without waiving its specific and general objections, the State believes that the following reports demonstrate or tend to demonstrate that contamination, degradation, or pollution have adversely impacted the IRW as a result of the release of arsenic or arsenic compounds from poultry waste:

Arai, Y.; Lanzirotti, A.; Sutton, S.; Davis, J.A.; Sparks, D.L. (2003) Arsenic Speciation and Reactivity in Poultry Litter. Environmental Science and Technology, 37(18): 4083 - 4090

Brown, B.L. (2003) The Sorption of Roxarsone, an Organoarsenical Animal Feed Additive. M.S. Thesis, Virginia Polytechnic Institute and State University, 95 p.

Bellows, B.C. (2005) Arsenic in Poultry Litter: Organic Regulations. National Sustainable Agriculture Information Service, 12 p.

Blackerby, S.D. (1997) Evaluation of Nonpoint Source Pollution Concentrations Due to Runoff from Agricultural Land Applied with Broiler Litter. M.S. Thesis, Stephen F. Austin State University, Nacogdoches, TX, 100 p.

Moore, P.A., Jr.; Daniel, T.C; Gilmour, J.T; Shreve, B.R; Edwards, D.R. (1998) Decreasing Metal Runoff from Poultry Litter with Aluminum Sulfate. Journal of Environmental Quality. 27:92-99.

Nachman, K.E.; Graham, J.P.; Price, L.B.; Silbergeld, E.K. (2005) Arsenic: A Roadblock to Potential Animal Waste Management Solutions. Environmental Health Perspective 113:1123-1124 (2005). doi:10.1289/ehp.7834 available via http://dx.doi.org/ [Online 12 May 2005].

Wilde, F.D.; Britton, L.J.; Miller, C.V.; Kolpin, D.W. (2000) Effects of Animal Feeding Operations on Water Resources and the Environment - Proceedings of the technical meeting, Fort Collins, Colorado, August 30 - September 1, 1999. United States Geological Survey Open-File Report 00-204, 107 p.

The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

INTERROGATORY NO. 9: Please Identify all reports, studies, Publications, research, sampling data or monitoring data which You contend establishes or tends to establish the contamination, degradation, pollution or any other adverse impact upon any Water Body in the IRW as result of the release of zinc or zinc compounds.

OBJECTIONS AND RESPONSE TO NO 9: The State objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work production protection.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this

case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26. Therefore, the State also objects to this interrogatory to the extent it calls for information which constitutes expert opinions, the disclosure of which is premature.

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action, or if the State identifies additional documents subject to a claim of privilege or protection.

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this interrogatory.

Subject to and without waiving its general and specific objections, the State believes that the following reports demonstrate or tend to demonstrate that contamination, degradation, or pollution have adversely impacted the IRW as a result of the release of zinc or zinc compounds from poultry waste:

Blackerby, S.D. (1997) Evaluation of Nonpoint Source Pollution Concentrations Due to Runoff from Agricultural Land Applied with Broiler Litter. M.S. Thesis, Stephen F. Austin State University, Nacogdoches, TX, 100 p.

Brown, A.V., Graening, G.O., Vendrell, P., (1998) Monitoring Cavefish Population and Environmental Quality in Cave Springs Cave, Arkansas. Arkansas Water Resource Center, Publication No. MSC-214.

Haapapuro, E.R.; Barnard, N.D.; Simon, M. (1997) Review-Animal Waste Used as Livestock Feed: Dangers to Human Health. Preventive Medicine 26:599-602.

Moore, P.A., Jr.; Daniel, T.C; Gilmour, J.T; Shreve, B.R; Edwards, D.R. (1998) Decreasing Metal Runoff from Poultry Litter with Aluminum Sulfate. Journal of Environmental Quality. 27:92-99.

Wilde, F.D.; Britton, L.J.; Miller, C.V.; Kolpin, D.W. (2000) Effects of Animal Feeding Operations on Water Resources and the Environment - Proceedings of the technical meeting, Fort Collins, Colorado, August 30 - September 1, 1999. United States Geological Survey Open-File Report 00-204, 107 p.

Additionally, Defendant is directed to Responses to Interrogatory No 11 (Tyson Poultry, Inc) and Interrogatory No. 1 (Tyson Chicken, Inc.).

The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

INTERROGATORY NO. 10: Please Identify all reports, studies, Publications, research, sampling data or monitoring data which You contend establishes or tends to establish the contamination, degradation, pollution or any other adverse impact upon any Water Body in the IRW as result of the release of cooper or cooper [sic] compounds.

OBJECTIONS AND RESPONSE TO NO 10: The State objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work production protection.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26. Therefore, the State also objects to this interrogatory to the extent it calls for information which constitutes expert opinions, the disclosure of which is premature.

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or

privileged materials created after the commencement of this action, or if the State identifies additional documents subject to a claim of privilege or protection.

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this interrogatory.

In further response to this Interrogatory and pursuant to Fed. R. Civ. P. 33(d), information sought in this Interrogatory, and whose production is not objected to herein, may be found within the business records being provided to this Defendant. Identification of such business records will occur on a rolling basis as the State's review of its business records proceeds. In addition, please see Response to Interrogatory No. 11 (Tyson Poultry, Inc) and Response to Interrogatory No. 1 (Tyson Chicken, Inc) The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

INTERROGATORY NO. 11: Please Identify all reports, studies, Publications, research, sampling data or monitoring data which You contend establishes or tends to establish the contamination, degradation, pollution or any other adverse impact upon any Water Body in the IRW as result of the release of hormones.

OBJECTIONS AND RESPONSE TO NO 11: The State objects to this interrogatory to the extent it seeks information protected by the attorney-client privilege and/or work production protection.

The State objects to this interrogatory to the extent that it seeks information known or opinions held by expert consultants retained or specially employed by the State or by its counsel in anticipation of litigation or preparation for trial. Fed. R. Civ. P. 26(b)(4)(A) and (B). As of the date of this response, the

State has not determined which experts retained by it or by its counsel will provide expert testimony in this case, and the Court has neither established the times and sequence of disclosure of such expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(C), nor has the Court established a trial date to trigger the obligation of expert disclosure 90 days in advance of trial under that rule. The State will comply with the order of the Court establishing the time of expert disclosures as required by Fed. R. Civ. P. 26. Therefore, the State also objects to this interrogatory to the extent it calls for information which constitutes expert opinions, the disclosure of which is premature.

The State also objects pursuant to Fed. R. Civ. P. 26(b)(3) to any discovery of documents or tangible things prepared in anticipation of litigation or for trial by it or by consultants retained by it or by its counsel.

Pursuant to Fed. R. Civ. P. 26(b)(5) and LCvR 26.4, the State's claim of attorney-client privilege and work product protection is supported by its privilege log. Also, pursuant to LCvR 26.4(b), the attached privilege log does not contain any work product protection material or attorney-client privileged material created after the commencement of this action on June 13, 2005. The State reserves its work product protection claim and attorney-client privilege claim for all such materials, and reserves its right to supplement the attached privilege log should the Court enter any order requiring a log for protected or privileged materials created after the commencement of this action, or if the State identifies additional documents subject to a claim of privilege or protection.

The State objects to this interrogatory on the grounds that it improperly seeks identification of "all" items of responsive information, which renders it overly broad, oppressive, unduly burdensome and expensive to answer. It may be impossible to locate "all" items of responsive information to this

interrogatory.

Subject to and without waiving its general and specific objections, the State believes the following reports demonstrate or tend to demonstrate that contamination, degradation, or pollution have adversely impacted the IRW as a result of the release of hormones from poultry waste:

Peterson, E. W.; Davis, R. K.; Orndorff, H. A. 2000. 17 ?-estradiol as an Indicator of Animal Waste Contamination in Mantled Karst Aquifers. Journal of Environmental Quality 29(3):826-834.

Peterson, E. W.; Wicks, C. M.; Kelly, C. A. (2005) Persistence of 17 {beta}-Estradiol in Water and Sediment-Pore Water from Cave Streams in Central Missouri. Environmental and Engineering Geoscience 11: 221-228.

Ying, G.; Kookana, R.S.; Ru, Y. (2002) Occurance and Fate of Hormone Steroids in the Environment. Environmental International 28: 545-551.

Wicks, C.; Kelley, C.; Peterson, E. (2004) Estrogen in a Karstic Aquifer. Ground Water 42(3):384-389

The State also directs this Defendant to the Response to Interrogatory No. 3 above.

The State reserves its right to supplement its answer to this interrogatory pursuant to Fed. R. Civ. P. 26(e).

Respectfully submitted,

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June 15, 2006

VERIFICATION

STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

I, Miles Tolbert, being of legal age, hereby depose and state that I have read the foregoing responses to interrogatories and that they are true and correct, to the best of my knowledge and belief, and and that I furnish such responses based on consultation with representatives of the State of Oklahoma based on documents identified as of the date of this response.

Miles Tolbert
Secretary of the Environment
State of Oklahoma

Signed and subscribed to before me on this 15th day of June, 2006.

Notary Public

JOYCE K. BOYD
NOTARY PUBLIC
02017963
EXP 11/9/06
IN AND
FOR
STATE OF OKLAHOMA
OKLAHOMA COUNTY

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2006, I electronically transmitted the foregoing document to the following ECF registrants or via United States Mail postage prepaid to the following:

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Robert A. Nance

Robert A. Nance

State of Oklahoma, et al. v. Tyson Foods, Inc., et al.

Privilege Log

	Date	Author	Is Author a Lawyer?	Recipient(s)	Type of Document	General Subject Matter of the Document	Privilege Asserted *FRCP*	Bates Number(s)
280	2004/11/15	Lithochimeia, Inc.	No	Stratus Consulting, Inc., Miller Keffer Bullock Pedigo LLC, Landreth Law Firm	e-mail	correspondence regarding manure-borne estrogens	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
281	2005/04/12	Landreth Law Firm	Yes	Landreth Law Firm, Miller Keffer Bullock Pedigo LLC, Oklahoma Office of the Attorney General	e-mail	correspondence regarding damages and remediation	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
282	2005/03/29	Oklahoma Office of the Attorney General	Yes	Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc., Landreth Law Firm	e-mail	correspondence regarding arsenic from poultry litter	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
283	2005/01/27	Miller Keffer Bullock Pedigo LLC	Yes	Lithochimeia, Inc., Stratus Consulting, Inc., Camp Dresser & McKee, Inc., HydroQual (cc: Oklahoma Office of the Attorney General, Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc., Motley Rice LLC, Landreth Law Firm)	e-mail	correspondence regarding re-damage proof and evidence issues	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
284	2005/01/18	Miller Keffer Bullock Pedigo LLC	Yes	Stratus Consulting, Inc., Lithochimeia, Inc., Camp Dresser & McKee, Inc.	e-mail	correspondence regarding and attaching draft Items of Proof	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
285	2005/01/07	Miller Keffer Bullock Pedigo LLC	Yes	Landreth Law Firm	e-mail	correspondence regarding settlement issues	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none

State of Oklahoma, et al. v. Tyson Foods, Inc., et al.

Privilege Log

	Date	Author	Is Author a Lawyer?	Recipient(s)	Type of Document	General Subject Matter of the Document	Privilege Asserted *FRCP*	Bates Number(s)
286	2004/12/07	Stratus Consulting, Inc.	No	Landreth Law Firm (cc: Miller Keffer Bullock Pedigo LLC)	e-mail	correspondence regarding Federal Register document FRL-7845-7, "Notice of Proposed NPDES General Permit for Discharges From Concentrated Animal Feeding Operations (CAFOs) in New Mexico, Oklahoma, and on Indian Lands in New Mexico and Oklahoma"	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
287	2005/04/13	Stratus Consulting, Inc.	No	Landreth Law Firm, Miller Keffer Bullock Pedigo LLC (cc: Oklahoma Office of the Attorney General)	e-mail	correspondence regarding damage and remediation	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
288	2005/04/12	Stratus Consulting, Inc.	No	Miller Keffer Bullock Pedigo LLC, Landreth Law Firm (cc: Oklahoma Office of the Attorney General)	e-mail	correspondence regarding damage and remediation	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
289	various dates in 2004	various authors including those from the Oklahoma Office of the Attorney General and Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc.	Yes	various	log of e-mails	correspondence regarding damages	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
290	2004/12/07	Oklahoma Office of the Attorney General	Yes	Motley Rice LLC (cc: Landreth Law Firm, Miller Keffer Bullock Pedigo LLC, Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc., Oklahoma Office of the Attorney General,	e-mail	correspondence attaching draft chart regarding damages	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
291	2004/11/18	Oklahoma Office of the Attorney General	Yes	Stratus Consulting, Inc., Landreth Law Firm (cc: Miller Keffer Bullock Pedigo LLC)	e-mail	correspondence regarding Oklahoma Department of Agriculture enforcement	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none

State of Oklahoma, et al. v. Tyson Foods, Inc., et al.

Privilege Log

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292	2004/11/17	Oklahoma Office of the Attorney General	Yes	Landreth Law Firm, Stratus Consulting, Inc. (cc: Miller Keffer Bullock Pedigo LLC)	e-mail	correspondence regarding Oklahoma Eastern Shore Monitoring Program	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
293	2004/09/20	Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc.	Yes	Motley Rice LLC, Oklahoma Office of the Attorney General, Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc., Landreth Law Firm, Miller Keffer Bullock Pedigo LLC	memorandum	Memorandum regarding alternative remedies for repairing the environmental damage to the Illinois River Watershed and Lake Tenkiller and other affected Eastern Oklahoma watersheds	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
294	2004/05/16	Landreth Law Firm	Yes	Landreth Law Firm	e-mail	correspondence attaching Illinois River Damages spreadsheet	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
295	2004/11/29	Stratus Consulting, Inc.	No	Motley Rice LLC, Oklahoma Office of the Attorney General, Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc., Landreth Law Firm, Miller Keffer Bullock Pedigo LLC	presentation	presentation entitled "Oklahoma Poultry Litigation"	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
296	various dates in 2004	various authors including those from Landreth Law Firm and Stratus Consulting, Inc.	Yes, in part	Motley Rice LLC, Oklahoma Office of the Attorney General, Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc., Landreth Law Firm, Miller Keffer Bullock Pedigo LLC	log of notes and presentation portions	Damages Presentation 11/29/2004 - 11/30/2004	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
297	undated	Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc.	Yes	Motley Rice LLC, Oklahoma Office of the Attorney General, Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc., Landreth Law Firm, Miller Keffer Bullock Pedigo LLC	typed notes	typed notes on 11/29/04 Stratus Presentation	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none

State of Oklahoma, et al. v. Tyson Foods, Inc., et al.

Privilege Log

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298	2004/12/21	Miller Keffer Bullock Pedigo LLC	Yes	Stratus Consulting, Inc.	e-mail	correspondence regarding proposed sampling	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	none
299	2003/04/04	Oklahoma Conservation Commission	No	Oklahoma Conservation Commission	e-mails	e-mails regarding monitoring agreement with Arkansas	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002801 - 0002803
300	2002/07/23	Oklahoma State University	No	Oklahoma Office of the Attorney General	draft Scope of Work	draft Scope of Work submitted to Attorney General's office estimating or establishing threshold phosphorus in IRW using SWAT	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002904-0002906
301	2002/04/28	Oklahoma Water Resources Board	No	Derek Smithee, Phillip Moershel, Jon Craig, Mark Derichsweiler, Oklahoma Conservation Commission, Oklahoma Office of the Attorney General, Ed Fite, Teena Gunter, Susan Krug, Dan Parrish, Michelle Sutton, Mike Smolen, Chris Bruehl (and cc: Duane Smith, Mark Coleman, Kristye Kirkshores, Mike Thralls)	e-mail	correspondence attaching handwritten annotations and also attaching document regarding possible implementation actions for phosphorus control	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002909 - 0002915
302	1997/07/30	Oklahoma Office of the Attorney General	Yes	Oklahoma Scenic Rivers Commission, Oklahoma Department of Environmental Quality, Oklahoma Water Resources Board, Oklahoma Conservation Commission, Oklahoma Secretary of the Environment	fax	correspondence regarding citizens' suit	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0003264 - 0003267

State of Oklahoma, et al. v. Tyson Foods, Inc., et al.

Privilege Log

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303	2002/08/06	Oklahoma Conservation Commission	No	Margaret Blevins	e-mail	correspondence regarding bacterial data request	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002695
304	2005/03/31	Oklahoma Conservation Commission	No	Margaret Blevins	e-mail	correspondence regarding a reference stream	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002717
305	2005/04/05	Margaret Blevins	No	Oklahoma Conservation Commission	e-mail	correspondence regarding a reference stream	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002718
306	2004/09/21 - 2004/09/22	various (including Oklahoma Conservation Commission, Dan Storm, Margaret Blevins)	No	various (including Oklahoma Conservation Commission, Dan Storm, Margaret Blevins)	e-mails	correspondence regarding reference streams	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002739
307	2005/03/31	Oklahoma Conservation Commission	No	Oklahoma Conservation Commission	e-mails	correspondence regarding water quality sites	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002756 - 0002757
308	2004/10/14	Oklahoma Office of the Attorney General	Yes	Oklahoma Conservation Commission	letter	correspondence regarding data on Illinois River and other listed watersheds	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney-client privilege	0002762