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

STATE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Case No. 4:05-CV-00329-GKF-SAJ**
	)	
TYSON FOODS, INC., et al.,	)	
	)	
Defendants.	)	

OBJECTIONS AND RESPONSES TO TYSON FOODS, INC's, REQUESTS FOR PRODUCTION OF DOCUMENTS SERVED ON APRIL 25, 2007

COMES NOW, the Plaintiff, the 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 under CERCLA, (hereinafter "the State") and hereby responds to Separate Defendant Tyson Foods Inc.'s April 25, 2007 Requests for Production of Documents to Plaintiff.

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, the work product doctrine, and / or any other applicable privilege or protection under state or federal law.

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 Tyson Foods, Inc., is obtainable from another source that is more convenient, less burdensome or less expensive, or is as accessible to Defendant Tyson Foods, Inc. as it is to the State. As such, the burden of obtaining such sought-after information is substantially the same, or less, for the Defendant Tyson Foods, Inc. as it is for the State.

REQUEST FOR PRODUCTION NO. 7: Please produce copies of all documents that constitute the evidence of the amount of poultry litter applied in the IRW produced by poultry producers under contract with each defendant that you claim to have in Responses to No. 153 on pg 58 of your responses to the Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 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. The State objects to this request to the extent it seeks information protected by the attorney client privilege or work product protection. Further, the State objects to this response 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). The State objects to this request to the extent that it seeks identification of "all" documents for the request. As such, the request is overly broad and unduly burdensome. It may be impossible to locate "all" documents or each item of information responsive to the request.

Subject to and without waiver of any objection, the State responds as follows: The State has requested this information from the Defendants and, to the extent it has been provided, the Tyson Defendants are already in possession of information relating to their operations. Additional information may be found in the grower and applicator records of the Oklahoma Department of Agriculture, Food and Forestry. The State has previously provided these records and will produce them again at the ODAFF document production. The State has also provided additional information on the amount of waste applied in the IRW in response to the Defendants' other discovery requests, including the State's Court Ordered Scientific Production (See

Attached Index). Expert opinion, to the extent that it has or will be developed, will be disclosed in accordance with the Court's Scheduling Order regarding expert reports. The State will supplement as additional information is identified and as agency productions proceed.

REQUEST FOR PRODUCTION NO. 8: Please produce copies of all documents that constitute the evidence of the amount of phosphorus compounds in the environment in the IRW originating from poultry houses under contract with each defendant that you claim to have in Response to Request No. 155 on page 59 of your Responses to Request for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

The State objects to this request because Tyson Defendants' mischaracterize the original RFA and the State's response to Request No. 155 by referring to evidence for "each defendant." The State objects to this request to the extent it seeks information protected by the attorney client privilege or work product protection. The State also 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. Further, the State objects to this response 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). The State objects to this request to the extent that it seeks identification of "all" documents for the request. As such, the request is overly broad and unduly burdensome. It may be impossible to locate "all" documents or each item of information responsive to the request.

Subject to and without waiver of any objection, the State responds as follows: Information may be found in the grower and applicator records of the Oklahoma Department of

Agriculture, Food and Forestry. The State has previously provided these records and will produce them again at the ODAFF document production. The State has also provided additional information constituting evidence of the amount of phosphorus compounds produced in response to the Defendants' other discovery requests, including the State's Court Ordered Scientific Production (See Attached Index). Expert opinion, to the extent that it has or will be developed, will be disclosed in accordance with the Court's Scheduling Order regarding expert reports. The State will supplement as additional information is identified and as agency productions proceed.

REQUEST FOR PRODUCTION NO. 9: Please produce copies of all documents that constitute the evidence of the amount of nitrogen compounds in the environment in the IRW originating from poultry houses under contract with each defendant that you claim to have in Response to Request No. 157 on page 60 of your Responses to Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

The State objects to this request because Tyson Defendants' mischaracterize the original RFA and the State's response to Request No. 157 by referring to evidence for "each defendant." The State objects to this request to the extent it seeks information protected by the attorney client privilege or work product protection. The State also 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. Further, the State objects to this response 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). The State objects to this request to the extent that it seeks identification of "all" documents for the request. As such, the request is

overly broad and unduly burdensome. It may be impossible to locate "all" documents or each item of information responsive to the request.

Subject to and without waiver of any objection, the State responds as follows: Information may be found in the grower and applicator records of the Oklahoma Department of Agriculture, Food and Forestry. The State has previously provided these records and will produce them again at the ODAFF document production. The State has also provided additional information constituting evidence of the amount of nitrogen compounds produced in response to the Defendants' other discovery requests, including the State's Court Ordered Scientific Production (See Attached Index). Expert opinion, to the extent that it has or will be developed, will be disclosed in accordance with the Court's Scheduling Order regarding expert reports. The State will supplement as additional information is identified and as agency productions proceed.

REQUEST FOR PRODUCTION NO. 10: Please produce copies of all documents that constitute the evidence of the amount of arsenic compounds in the environment in the IRW originating from poultry houses under contract with each defendant that you claim to have in Response to Request No. 159 on page 60 on your Responses to Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

The State objects to this request because Tyson Defendants' mischaracterize the original RFA and the State's response to Request No. 159 by referring to evidence for "each defendant." The State objects to this request to the extent it seeks information protected by the attorney client privilege or work product protection. The State also 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. Further, the State objects to this

response 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). The State objects to this request to the extent that it seeks identification of "all" documents for the request. As such, the request is overly broad and unduly burdensome. It may be impossible to locate "all" documents or each item of information responsive to the request.

Subject to and without waiver of any objection, the State responds as follows: Information may be found in the grower and applicator records of the Oklahoma Department of Agriculture, Food and Forestry. The State has previously provided these records and will produce them again at the ODAFF document production. The State has also provided additional information constituting evidence of the amount of arsenic compounds produced in response to the Defendants' other discovery requests, including the State's Court Ordered Scientific Production (See Attached Index). Expert opinion, to the extent that it has or will be developed, will be disclosed in accordance with the Court's Scheduling Order regarding expert reports. The State will supplement as additional information is identified and as agency productions proceed.

REQUEST FOR PRODUCTION NO. 11: Please produce copies of all documents that constitute the evidence of the amount of zinc compounds in the environment in the IRW originating from poultry houses under contract with each defendant that you claim to have in Response to Request No. 161 on page 61 of your Responses to Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

The State objects to this request because Tyson Defendants' mischaracterize the original RFA and the State's response to Request No. 161 by referring to evidence for "each defendant." The State objects to this request to the extent it seeks information protected by the attorney client

privilege or work product protection. The State also 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. Further, the State objects to this response 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). The State objects to this request to the extent that it seeks identification of "all" documents for the request. As such, the request is overly broad and unduly burdensome. It may be impossible to locate "all" documents or each item of information responsive to the request.

Subject to and without waiver of any objection, the State responds as follows: Information may be found in the grower and applicator records of the Oklahoma Department of Agriculture, Food and Forestry. The State has previously provided these records and will produce them again at the ODAFF document production. The State has also provided additional information constituting evidence of the amount of zinc compounds produced in response to the Defendants' other discovery requests, including the State's Court Ordered Scientific Production (See Attached Index). Expert opinion, to the extent that it has or will be developed, will be disclosed in accordance with the Court's Scheduling Order regarding expert reports. The State will supplement as additional information is identified and as agency productions proceed.

REQUEST FOR PRODUCTION NO. 12: Please produce copies of all documents that constitute the evidence of the amount of copper compounds in the environment in the IRW originating from poultry houses under contract with each defendant that you claim to have in Response to Request No. 163 on page 62 of your Responses to Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

The State objects to this request because Tyson Defendants' mischaracterize the original RFA and the State's response to Request No. 163 by referring to evidence for "each defendant." The State objects to this request to the extent it seeks information protected by the attorney client privilege or work product protection. The State also 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. Further, the State objects to this response 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). The State objects to this request to the extent that it seeks identification of "all" documents for the request. As such, the request is overly broad and unduly burdensome. It may be impossible to locate "all" documents or each item of information responsive to the request.

Subject to and without waiver of any objection, the State responds as follows: Information may be found in the grower and applicator records of the Oklahoma Department of Agriculture, Food and Forestry. The State has previously provided these records and will produce them again at the ODAFF document production. The State has also provided additional information constituting evidence of the amount of copper compounds produced in response to the Defendants' other discovery requests, including the State's Court Ordered Scientific Production (See Attached Index). Expert opinion, to the extent that it has or will be developed, will be disclosed in accordance with the Court's Scheduling Order regarding expert reports. The State will supplement as additional information is identified and as agency productions proceed.

REQUEST FOR PRODUCTION NO. 13: Please produce copies of all documents that constitute the evidence of the amount of hormones in the environment in the IRW originating from poultry houses under contract with each defendant that you claim to have in Response to Request No. 164 on page 62 of your Responses to Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

The State objects to this request because Tyson Defendants' mischaracterize the original RFA and the State's response to Request No. 164 by referring to evidence for "each defendant." The State objects to this request to the extent it seeks information protected by the attorney client privilege or work product protection. The State also 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. Further, the State objects to this response 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). The State objects to this request to the extent that it seeks identification of "all" documents for the request. As such, the request is overly broad and unduly burdensome. It may be impossible to locate "all" documents or each item of information responsive to the request.

Subject to and without waiver of any objection, the State responds as follows: Information may be found in the grower and applicator records of the Oklahoma Department of Agriculture, Food and Forestry. The State has previously provided these records and will produce them again at the ODAFF document production. The State has also provided additional information constituting evidence of the amount of hormones produced in response to the Defendants' other discovery requests, including the State's Court Ordered Scientific Production

(See Attached Index). Expert opinion, to the extent that it has or will be developed, will be disclosed in accordance with the Court's Scheduling Order regarding expert reports. The State will supplement as additional information is identified and as agency productions proceed.

REQUEST FOR PRODUCTION NO. 14: Please produce copies of all documents that constitute the evidence of the amount of bacteria in the environment in the IRW originating from poultry houses under contract with each defendant that you claim to have in Response to Request No. 165 on page 62 of your Responses to Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

The State objects to this request because Tyson Defendants' mischaracterize the original RFA and the State's response to Request No. 165 by referring to evidence for "each defendant." The State objects to this request to the extent it seeks information protected by the attorney client privilege or work product protection. The State also 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. Further, the State objects to this response 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). The State objects to this request to the extent that it seeks identification of "all" documents for the request. As such, the request is overly broad and unduly burdensome. It may be impossible to locate "all" documents or each item of information responsive to the request.

Subject to and without waiver of any objection, the State responds as follows: Information may be found in the grower and applicator records of the Oklahoma Department of

Agriculture, Food and Forestry. The State has previously provided these records and will produce them again at the ODAFF document production. The State has also provided additional information constituting evidence of the amount of bacteria produced in response to the Defendants' other discovery requests, including the State's Court Ordered Scientific Production (See Attached Index). Expert opinion, to the extent that it has or will be developed, will be disclosed in accordance with the Court's Scheduling Order regarding expert reports. The State will supplement as additional information is identified and as agency productions proceed.

REQUEST FOR PRODUCTION NO. 15: Please produce copies of all documents that discuss, describe, reference or relate to the overflow, leaching, migration, release, discharge, seeping, pumping, transportation or disposition of water, wastewater, sludge or biosolids in to the environment of the IRW from the State-owned sewage lagoons referenced by you in Response to Request No. 166 on page 63 of your Responses to Requests for Admission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

The State objects to this request to the extent it seeks information protected by the attorney client privilege or work product protection. The State also 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. Further, the State objects to this response 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). The State objects to this request to the extent that it seeks identification of "all" documents for the request. As such, the