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 CARGILL TURKEY PRODUCTION LLC.'S AMENDED FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION PROPOUNDED TO PLAINTIFFS

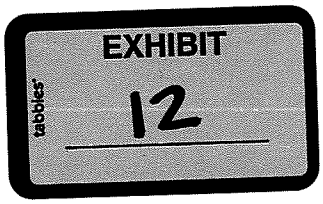
GENERAL OBJECTIONS

A. Definitions, Terms and Instructions: The State objects to certain of the words and phrases used by Cargill Turkey, LLC, (Cargill Turkey) in its document requests as overbroad and unduly burdensome. Such objections include, but are not limited to, Cargill's definition of "Any Cargill Entity," "Document," "Identify," "You and Your." The State objects to the instruction to sequentially number each Document produced. The State will produce documents as required by Rule 34. The State objects to the instruction to describe in detail the facts upon which any claim of privilege is based.

B. Privileges: The State objects to Cargill Turkey's document requests to the extent that they seek to invade information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State specifically objects to the production of documents or information in the possession of or obtained from non-testifying consultants or experts who have been specifically retained to assist counsel for the State with the prosecution of this litigation as subject to these privileges.

C. Form or Method of producing documents: The State further objects to these document request to the extent that they purport to require the State to produce documents in any particular format. Pursuant to Rule 34 of the Federal Rules of Civil Procedure, the State will use its discretion in producing responsive, non-privileged documents either (1) as they are kept in the usual course of business or (2) organized and labeled in correspondence with the categories in these Requests.

D. No waiver of objection or admissibility: In responding to these Requests, the State is not waiving future objections to either production in discovery or admissibility at trial of any document or information supplied or referred to in discovery.



E. Objection to request for all documents: The State objects to Cargill Turkey's requests to produce all documents responsive, which is unduly burdensome, cumulative and duplicative to the extent that such documents are obtainable from some other source that is more convenient, less burdensome, or less expensive, or that Cargill Turkey has had ample opportunity by discovery in this action to obtain the information sought, or that the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the parties' resources, or the importance of the proposed discovery in resolving the issues.

F. Continuing discovery: In responding to these document requests, the State is supplying all the documents known to it at this time after reasonable inquiry. However, discovery is continuing. Should future discovery reveal any further documents requested, the State will supplement its answers as necessary in accordance with the Federal Rules of Civil Procedure.

G. Relative burden of locating documents: 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 as it is for the State.

H. Overly broad and overly expensive: The State objects to these discovery requests to the extent that they are overly broad, oppressive, unduly burdensome, unreasonably cumulative or duplicative, and expensive to answer. 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. Providing answers to such discovery requests would needlessly and improperly burden the State.

I. Federal Rules controlling: 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.

REQUEST FOR PRODUCTION

Because many of Cargill Turkey's discovery requests repeat, duplicate, or overlap requests previously made by other Poultry Integrator Defendants, the State adopts and incorporates, as if fully set forth herein, its objections and responses to discovery requests heretofore made by other Poultry Integrator Defendants in this case.

Documents not possessed at one of the four agencies currently scheduled for copying and

inspections (Oklahoma Water Resources Board, Oklahoma Department of Environmental Quality, Oklahoma Conservation Commission, and Oklahoma Scenic Rivers Commission) which are not subject to any of the above objections, or any other objections set forth herein, may be produced at a mutually agreeable time between the parties. Other agencies possessing potentially responsive information include, but not limited too, the Oklahoma Department of Agriculture, Food and Forestry, Oklahoma Department of Wildlife Conservation, Oklahoma Department of Tourism and Recreation and the Oklahoma Secretary of the Environment. Without waiving the foregoing objections, but hereby incorporating each of them by reference in the specific responses as if fully set forth therein, and subject thereto, the State further states and alleges as follows:

REQUEST FOR PRODUCTION NO. 1: Produce all documents identified or referenced in Your Answers to Cargill Turkey's First Interrogatories served contemporaneously herewith.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 2: Produce all documents relied upon by You to prepare or support Your Answers to Cargill Turkey's First Interrogatories served contemporaneously herewith.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 3: Produce all documents provided by You to any Expert You expect to call as a witness in the trial of this Lawsuit.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: The State incorporates its general objections set forth herein, the State further objects because the documents selected by the State or its counsel to be provided to any of its consulting experts constitutes the work product of counsel. Further, the State has not determined which of its consultants will provide expert testimony in this case.

REQUEST FOR PRODUCTION NO. 4: Produce all documents relating to the identification, determination, calculation and amount of damages You are seeking to recover in this Lawsuit.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

REQUEST FOR PRODUCTION NO. 5: Produce all documents relating to any exercise of eminent domain by the State with respect to any tract of real property situated in the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

REQUEST FOR PRODUCTION NO. 6: Produce all documents (including GIS electronic files and displays, maps, photographs and aerial photographs) that depict any portion of the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative

privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time. To the extent that responsive documents are in publicly available locations, equally available to Cargill Turkey as to the State, the State objects to this request as overly burdensome and expensive to comply with. To the extent such non-privileged responsive documents are in electronic format and not posted on the websites listed in the following paragraph, the State will produce them after the Court enters an order on the format for production of electronic documents.

Subject to the foregoing objections, the State refers Cargill Turkey the websites of the following agencies, as indicated below for responsive information:

Oklahoma Department of Environmental Quality (ODEQ):

http://maps.scigis.com/deq%5Fwq

Oklahoma Water Resources Board (OWRB):

http://www.owrb.state.ok.us/maps/server/wims.php

Oklahoma Department of Wildlife (Wildlife):

http://www.wildlifedepartment.com/wmas2.htm.

REQUEST FOR PRODUCTION NO. 7: Produce all documents (including GIS electronic files and displays, maps, photographs, and aerial photographs) that depict any poultry operations

within the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to the foregoing objections, the State refers Cargill Turkey to the following documents already produced on June 15, 2006 in the State's Initial disclosures:

Oklahoma Department of Agriculture, Food and Forestry (ODAFF) grower files, Bates Range OKDA0000001-OKDA0010561, OKDA0013013-OKDA0021846, OKDA0089454. Defendant Peterson has also copied a substantial number of documents at ODAFF, which, on information and belief, are available to Cargill Turkey through a joint defense agreement.

To the extent that documents have not already produced in the State's initial disclosures or produced to Defendant Peterson Farms, responsive documents may be found at ODAFF and will be produced at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 8: Produce all documents (including GIS electronic files and displays, maps, photographs, and aerial photographs) that depict any potential source of the Pollutants or Contaminants alleged in Your Complaint, including any transport pathway between the source and the waters of the Illinois River Watershed (including, but not limited to the public water supplies, Scenic Rivers and their tributaries, Lake Tenkiller and its tributaries).

RESPONSE TO REQUEST FOR PRODUCTION NO. 8: The State incorporates its

general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

In addition, this request is overly broad, burdensome, and expensive.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time. To the extent such non-privileged responsive documents are in electronic format and not posted on the websites listed in the following paragraph, the State will produce them after the Court enters an order on the format for production of electronic documents.

REQUEST FOR PRODUCTION NO. 9: Produce all documents relating to any poultry operation within the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: See objections and response to RFP No. 7.

REQUEST FOR PRODUCTION NO. 10: Produce all documents relating to any communications between you and any current or former poultry grower or poultry integrator in the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative

privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Further, the State objects to this request to the extent it includes communications with poultry integrators during the course of this litigation as such documents are already in the possession of, or readily available to Cargill Turkey from its co-defendants with whom the State believes it has a joint defense agreement. The State further objects to production of any document generated for or during any settlement negotiations before or after filing of this action because production of such documents is not reasonably calculated to lead to admissible evidence in support of any party's claims or defenses.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 11: Produce all documents relating to the operations of any Third Party Defendant in this Lawsuit.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State additionally objects that this Request is overly broad and burdensome. This request requires the State to determine exactly who the third party defendants are, what "operations," if any, they have, and to search for

documents relating to those operations, whether or not those documents or "operations" have anything to do with the claims or defenses of any party in this action.

The Request is overbroad, burdensome, vague and excessively expensive to the State. The cost of this search will outweigh its likely benefit, taking into account the needs of the case, the parties' resources, or the importance of the proposed discovery in resolving the issues.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 12: Produce all documents relating to any communications between You and any Third Party Defendant in this Lawsuit.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State additionally objects that this Request is overly broad and burdensome. This request requires the State to determine exactly who the third party defendants are, what "communications," if any, they have had with the State government, and to search for documents relating to those communications, whether or not those documents or "communications" have anything to do with the claims or defenses of any party in this action. The documents requested are irrelevant in that they do not make any fact of consequence to the claims or defenses of any party more or less probable. The cost of this search will outweigh its likely benefit, taking into account the needs of the case, the parties' resources, or the importance of the proposed discovery in resolving the issues.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 13: Produce all documents relating to any communications between You and any Federal Agency regarding either the Illinois River Watershed or any of Your allegations contained in the First Amended Complaint.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. Further the State objects to this Request to the extent that it seeks production of work product and trial preparation documents generated by experts and consultants of the State, and further objects that this request is overly broad and burdensome.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time. Additionally, and subject to the foregoing objections, the State refers Cargill Turkey to the following documents already produced by the State in its June 15, 2006 Initial Disclosures:

United States Department of Agriculture Bates Nos. USDA 000001-USDA000688

United States Fish and Wildlife Service Bates Nos. USFWS0000001-USFWS0000774

United States Corps of Engineers Bates Nos. USACE000001-USACE0000135.

REQUEST FOR PRODUCTION NO. 14: Produce all documents relating to any communications between You and any Agency, regulatory body, municipality, Public Trust or Authority, or any other governmental entity of any State regarding either the Illinois River Watershed or any of Your allegations contained in the First Amended Complaint.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 15: Produce all documents relating to the volume or number of poultry operations within the Illinois River Watershed since 1952.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. Defendant Cargill is partly in possession of this information and in fact the State has requested

the same information from defendant.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 16: Produce all documents relating to the application or deposition of fertilizer or nutrients of any type on the surface of any lands located within the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

In addition, this request is overly broad, burdensome, and expensive.

The requested information may be found in the records of the Oklahoma Department of Agriculture, Food and Forestry, many of which have previously been produced in this case. Furthermore, Defendant Peterson Foods has selected and copied a substantial number of documents from ODAFF and, on information and belief, these documents are available to Cargill Turkey through a joint defense agreement.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents, which have not already been produced or copied by Defendant

Peterson, that it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 17: Produce all documents relating to the State's interest in the tracts of real property identified in response to Interrogatory No. 1.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17: The State objects to this request on the grounds that it is overly broad, oppressive, unduly burdensome and expensive to answer, especially to the extent that it asks about "each" tract of real property owned by the State. Moreover, the requested documents are not reasonably calculated to lead to admissible information making the claim or defense of any party more or less probable, inasmuch as the request covers all state owned property, including highways, rented office space, and other properties "managed or controlled" by the State, many of which have nothing to do with the claims and defenses in this case. Providing answers to such discovery requests would needlessly and improperly burden the State. Without waiving any objection, the State refers Cargill to the State's August 8, 2006 initial disclosures wherein land records of the Oklahoma Scenic Rivers Commission may be found at Bates numbers OSRC0026465-OSRC0026504.

Documents sought may be found in the land records of the County Clerks of those counties of Oklahoma which include some portion of the IRW and on the websites of some state agencies, such as the Oklahoma Department of Wildlife Conservation. The burden of locating the requested documents is substantially the same for Defendant as it is for the State of Oklahoma, and thus the Defendant may search the land records. Subject to and without waiving the foregoing objections, the State will produce all non-privileged responsive documents, it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually

agreeable time.

REQUEST FOR PRODUCTION NO. 18: Produce all documents relating to any concerns or complaints (formal or informal) from any person, Entity or Agency relating to the collection, disposal of, handling, treatment, arranging, or storage of any type of water material (including, but not limited to solid wastes, semi-solid wastes, liquid wastes, industrial wastes, hazardous wastes, municipal, or household waste water, grey water, sewage, or effluent of any type) on any tract of real property identified in response to Interrogatory No. 1.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. Further, the State objects to this request on the grounds that it is overly broad, oppressive, unduly burdensome and expensive to answer, especially to the extent that it asks about "each" tract of real property owned by the State.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents dealing generally with complaints about waste material it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency.

REQUEST FOR PRODUCTION NO. 19: Produce all documents relating to the specific uses and activities conducted on each tract of real property identified in response to Interrogatory No. 2.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

The State objects to this request on the grounds that it is overly broad, oppressive, unduly burdensome and expensive to answer, especially to the extent that it asks about "each" tract of real property owned by the State. The State objects to this request on the grounds that it is overly broad, oppressive, unduly burdensome and expensive to answer, especially to the extent that it asks about "each" tract of real property owned by the State. Moreover, the requested documents are not reasonably calculated to lead to admissible information making the claim or defense of any party more or less probable, inasmuch as the request covers all state owned property, including highways, rented office space, and other properties "managed or controlled" by the State, many of which have nothing to do with the claims and defenses in this case. Providing answers to such discovery requests would needlessly and improperly burden the State. Without waiving any objection, the State refers Cargill to the State's August 8, 2006 initial disclosures wherein land records of the Oklahoma Scenic Rivers Commission may be found at Bates numbers OSRC0026465-OSRC0026504.

Documents sought may be found in the land records of the County Clerks of those counties of Oklahoma which include some portion of the IRW and on the websites of some state agencies, such as the Oklahoma Department of Wildlife Conservation. The burden of locating

the requested documents is substantially the same for Defendant as it is for the State of Oklahoma, and thus the Defendant may search the land records.

Subject to and without waiving the foregoing objections, the State will produce all non-privileged responsive documents, it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

Subject to and without waiving its general or specific objections, the State will produce all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency

REQUEST FOR PRODUCTION NO. 20: Produce all documents relating to any animal census or survey that encompasses any portion of the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Some responsive documents have already produced by the State in its August 16, 2006 initial disclosures. Responsive documents may be found at the Oklahoma Department of Wildlife Conservation, Oklahoma Department of Environmental Quality and Oklahoma Conservation Commission. Subject to and without waiving the foregoing objections, the State will produce all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time, to the extent those documents have not already been produced.

REQUEST FOR PRODUCTION NO. 21: Produce any documents relating to complaints by any person or Entity regarding the quality or aesthetics of the waters located in the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 22: Produce any documents (other than those produced to You by any Defendant during the course of the Lawsuit) relation to any alleged growth/expansion or decline/reduction of poultry operations within the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in

this matter.

The requested information may be found in the records of the Oklahoma Department of Agriculture, Food and Forestry. Furthermore, Defendant Peterson Foods has selected and copied a substantial number of documents from ODAFF and, on information and belief, these documents are available to Cargill Turkey through a joint defense agreement.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, which have not already been produced or copied, at a mutually agreeable time. Furthermore, the State refers defendant Cargill Turkey to ODAFF's new or expanding poultry website, which may be found at http://www.oda.state.ok.us/aems-formshome.htm.

REQUEST FOR PRODUCTION NO. 23: Produce any documents (other than those produced to You by any Defendant during the course of the Lawsuit) relating to any process, procedure, technology or product that You contend would reduce the amount of nutrients in animal waste, the amount of waste produced by growers, or the amount of Pollutants or Contaminants absorbed by soils or surface water run off.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency. In addition, the State refers Cargill to the State's response to Cobb-Vantress' 2nd Set of Interrogatories, dated June 16, 2006, response to Interrogatory No. 3.

REQUEST FOR PRODUCTION NO. 24: Produce all written agreements relating to legal services, legal costs, and expert costs with your attorneys related to this lawsuit.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24: To the extent this request includes written agreements between the State's counsel and any of the State's consultants or agents, the State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. Subject to and without waiving the foregoing objections, see legal services agreement between the State and its counsel, submitted herewith.

REQUEST FOR PRODUCTION NO. 25: Produce copies of all correspondence with any federal agency regarding any byproduct of water treatment plant processes (including but not limited to trihalomethanes) in any public water supply located within the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it

seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 26: Produce all documents relating to any study, review, evaluation, investigation, sampling or analysis of any of the public waters supplies located within the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency at a mutually agreeable time.

Additionally, Cargill Turkey may refer to the website of the Oklahoma Department of Environmental Quality for its Safe Drinking Water Information System (SDWIS) at

http://www.deq.state.ok.us/WQDnew/pws/index.html. The State also refers Defendant Cargill to the States June 15, 2006 initial disclosures wherein the State produced the following documents responsive to this request:

OKDEQ0102043-OKDEQ0102101

OKPTWA0000001-OKPTWA0000247.

REQUEST FOR PRODUCTION NO. 27: Produce all documents relating to any study, review, evaluation, investigation, sampling or analysis of any byproduct of water treatment plant processes (including but not limited to trihalomethanes) and cancer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency. Additionally, Cargill Turkey may refer to the website of the Oklahoma Department of Environmental Quality for its Safe Drinking Water Information System (SDWIS) at http://www.deq.state.ok.us/WQDnew/pws/index.html.

REQUEST FOR PRODUCTION NO. 28: Produce all documents relating to any chemical treatments or processes used to treat water at any of the public water supplies located within the

Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

In addition, this request is overly broad and burdensome, and not calculated to lead to the discovery of admissible evidence because "any chemical treatments or processes use to treat water" includes matters having nothing to do with any claim or defense in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 29: Produce all documents relating to any study, investigation, review or proposal for addressing any aspect of the alleged eutrophication (or the causes therefore) of the lakes, reservoirs, Scenic Rivers or their tributaries within the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it

seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 30: Produce all documents relating to failures of any of the Scenic Rivers located in the Illinois River Watershed to meet any federally or state approved water quality standards. *See* Transcript from March 23, 2006 Hearing, P. 9.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 31: Produce all documents relating to any study, review, evaluation, investigation, sampling or analysis regarding poultry litter as a potential

source of fecal coliform, E. Coli, and enterococci in the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time. The State refers Cargill to the State's response to Cobb-Vantress' 2nd Set of Interrogatories, dated June 16, 2006, response to Interrogatory No. 2.

REQUEST FOR PRODUCTION NO. 32: Produce all documents relating to any study, review, evaluation, investigation, sampling or analysis of the streams or groundwater in the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 33: Produce all documents relating to any study, review, evaluation, investigation, sampling or analysis of other sources of nitrogen/nitrogen compounds, phosphorus/phosphorus compounds, arsenic/arsenic compounds, zinc/zinc compounds, copper/copper compounds, hormones, and/or microbial pathogens in the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 34: Produce the "environmental assessment given to the Oklahoma legislature from all environmental agencies in Oklahoma submitted by the secretary of the environment Miles Tolbert in 2005" referenced in your statement to the Court at the

March 23, 2006 hearing, including all drafts of said assessment.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

The assessment is available online, along with earlier versions, at http://www.ose.state.ok.us/documents.html#972. If drafts of this assessment, not subject to the foregoing objections, are available, they will be made available at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 35: Produce all press statements released by You relating to this lawsuit.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35: Responsive documents may be found on the website of the Attorney General at http://www.oag.state.ok.us/oagweb.nsf/Press%20Releases?OpenView.

REQUEST FOR PRODUCTION NO. 36: Produce all health advisories or warnings posted in the Illinois River Watershed since 1952.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36: The State incorporates its general objections set forth herein.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 37: Produce all documents related to Your contention that the actions or omissions of the Defendants have adversely impacted the environment (including but not limited to, water quality, wildlife and biota) within the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter

Additionally, this request is overly broad and burdensome.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency.

REQUEST FOR PRODUCTION NO. 38: Produce all documents related to Your contention that the actions or omissions of the Defendants have resulted in eutrophication within the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's

counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 39: Produce all documents related to impacts on the aesthetic use or value of any lake, reservoir, Scenic River, or their tributaries within the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will produce all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 40: Produce all documents related to increased human health risk within the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40: The State incorporates its

general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

The State further objects that this request is overly broad and burdensome because it is not limited to any increased human health risk tied to any factor which is of consequence to any claim or defense of any party in this action. As drafted, this request could encompass increased human health risks from smoking, drinking, or other irrelevant factors.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents, relevant to the claims and defenses in this action, it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 41: Produce all documents related to fish kills within the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 41: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time. See also the States response to RFP No 20.

REQUEST FOR PRODUCTION NO. 42: Produce all documents related to algae blooms within the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 43: Produce all documents related to studies, evaluations, investigations, sampling or analysis conducted by Bert Fisher with regard to this lawsuit.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative

privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. Dr. Fisher is an expert consultant to counsel for the State.

REQUEST FOR PRODUCTION NO. 44: Produce all documents related to water quality within the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 44: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 45: Produce all documents relating to the levels or concentrations of Pollutants or Contaminants in the surface water within the Illinois River Watershed since 1952.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative

privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 46: Produce all documents relating to the levels or concentrations of Pollutants or Contaminants in the soils within the Illinois River Watershed since 1952.

RESPONSE TO REQUEST FOR PRODUCTION NO. 46: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 47: Produce all documents relating to the levels or

concentrations of Pollutants or Contaminants in the groundwater within the Illinois River Watershed since 1952.

RESPONSE TO REQUEST FOR PRODUCTION NO. 47: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 48: Produce all documents related to Your contention that the actions or omissions of the Defendants have affected recreational uses of the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 48: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time..

Documents responsive to this request may be found in the business records of the Oklahoma Department of Tourism and Recreation and the Oklahoma Scenic Rivers Commission which may be produced at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 49: Produce all documents relation to complaints, citations, warnings, notices of violation or enforcement actions brought against any poultry operation in the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 49: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

The State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency.

REQUEST FOR PRODUCTION NO. 50: Produce all documents relation to the study, review, evaluation, investigation, sampling or analysis of Lake Francis.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50: The State incorporates its

general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 51: Produce all documents relating to the ownership of Lake Francis.

RESPONSE TO REQUEST FOR PRODUCTION NO. 51: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving its general objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site production at a state agency, at a mutually agreeable time. Additionally, Defendant may check the land ownership records in the office of the County

Clerk of Adair County which are equally available to Cargill Turkey as to the State.

REQUEST FOR PRODUCTION NO. 52: Produce all documents relating to impacts on the Illinois River Watershed from erosion, cattle operations, swine operations, discharges from water treatment plants and/or commercial fertilizer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 52: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 53: Produce all documents relating to exceedences of NPDES permits in the Illinois River Watershed and/or complaints, enforcement actions, citations or notices or violations related to NPDES permits in the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 53: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's

counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 54: Produce all Nutrient Management Plans and litter application records for all persons, entities and operations (including but not limited to poultry operations) in the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 54: The requested documents may be found in the business records of the Oklahoma Department of Agriculture, Food and Forestry which have already been produced in this matter. Therefore, Defendant Cargill is already in possession of the requested information. Subject to and without waiving its general objections, the State will produce all non-privileged responsive documents it has been able to locate as of the date of the service of these responses at a mutually agreeable time, to the extent those documents have not already been produced.

REQUEST FOR PRODUCTION NO. 55: Produce all documents related to costs allegedly incurred by Plaintiffs to monitor, assess and evaluate water quality, wildlife and biota within the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 55: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it

seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

The State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 56: Produce all documents supporting Your contention that hormones and/or hormonal supplements, including but not limited to estradiol, are provided to poultry grown in the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 56: The State incorporates its general objections set forth herein, and the State further objects that this request seeks information or documents protected by the attorney-client, work product, self-evaluative privilege, or which are made confidential by state law. The State further objects because it seeks documents which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 57: Produce all communications between You and any poultry integrator regarding the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 57: The State incorporates its

general objections set forth herein, and further objects to this request to the extent it includes communications with poultry integrators during the course of this litigation as such documents are already in the possession of, or readily available to Cargill Turkey from its co-defendants with whom the State believes it has a joint defense agreement. The State further objects to production of any document generated for or during any settlement negotiations before or after filing of this action because production of such documents is not reasonably calculated to lead to admissible evidence in support of any party's claims or defenses.

Subject to and without waiving the foregoing objections, the State will product all non-privileged responsive documents it has been able to locate as of the date of the service of these responses, or as of the date of any on site document production at a state agency, at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 58: Produce all documents alleged to support Plaintiffs' claim in this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 58: The State incorporates its general objections set forth herein, and the State further objects to the extent that this request includes documents which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter.

Cargill Turkey is referred to the documents previously identified as part of the State's Rule 26 disclosures, and in response to discovery responses of Cargill Turkey's co-defendants. Many of these documents have already been produced in this case. The State will produce all non-privileged responsive documents listed on its Rule 26(a) disclosures originating at each of its agencies at which it provides an on site document production.

Respectfully Submitted,

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Attorneys for the State of Oklahoma

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of October, 2006, I electronically transmitted the attached document to the following:

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Robert A. Nance

CONTRACT FOR LEGAL SERVICES

Now on this 23rd day of JULY, 2004 the State of Oklahoma by and through the Attorney General ("the State") and the law firms Miller & Keffer, LLP, Riggs, Abney, Neal, Turpen Orbison & Lewis and Motley Rice (collectively "the lawyers") in consideration of the terms and conditions set forth herein, enter into this Contract for Legal Services.

1. Scope of engagement. The State wishes to prosecute an action in a court of competent jurisdiction ("the suit") to recover damages and seek injunctive relief arising from pollution to the lands, rivers, streams and waters of the State of Oklahoma, including but not limited to the Illinois River and Lake Tenkiller, caused by commercial poultry operations both within and without the State of Oklahoma. The lawyers are willing to prosecute such an action, through investigation, settlement discussions, trial and any necessary appeals, under the direction and control of the Oklahoma Attorney General. The Attorney General shall determine the appropriate defendants and theories of liability, and shall have overall control and direction of the litigation, including but not limited to approval of staffing to be employed by the lawyers and approval of experts to be used in the suit as consultants or witnesses. The Attorney General and the State shall not be responsible for any fees or costs of such consultants, experts or other persons. This Agreement is solely between the Attorney General and the lawyers who are solely responsible for performance hereunder and this agreement does not constitute an agreement with or for the benefit of any third parties.

2. Terms of engagement. The parties understand that under no circumstances shall the State or the Attorney General be liable for any costs, expenses or attorney fees of the lawyers incurred in preparing and conducting this litigation. All expenses, costs and attorney fees, if any, shall come from the proceeds of the litigation, as a portion of the recovery in the suit after trial or settlement, from an award by the Court to be imposed upon the defendants, by agreement with the defendants, or some combination of these. The lawyers shall consult with and obtain the prior written approval of the Attorney General or his designee concerning major issues affecting the suit, including but not limited to the petition and dispositive motions, selection of consultants, experts and other professional services, discovery, pre-trial proceedings, trial, and settlement negotiations. Regular status meetings shall be held as requested by the Attorney General.

3. Expenses and fees of lawyers.

a. The lawyers shall only be entitled to recover such fees, costs and expenses as are incurred in the prosecution of the suit from any monetary recovery in the suit after trial or settlement, from an award by the Court to be imposed upon the defendants, by agreement with the defendants, or some combination of these. In the event of no monetary recovery, neither the Attorney General nor the State will owe anything for costs, expenses or attorneys fees but the attorneys and the Attorney General may apply to the Court for attorney fees, costs and expenses to be paid by the defendants or may negotiate directly with the defendants for such attorney fees, costs and expenses. Expenses and costs shall include, but not be limited to, discovery, pre-trial proceedings, trial experts, investigators, consultants and other contractors, travel, copying, freight and postage, communications charges, and any other necessary expenses related to the Litigation. Costs and expenses shall be the first priority of

use of any settlement, recovery, or award by the Court. All costs and expenses related to the Litigation shall be advanced by the lawyers and will be recovered by the lawyers from any monetary recovery.

b. The parties recognize that successful resolution of the suit may result in an award of both monetary damages and injunctive relief. Such injunctive relief could result in eliminating new pollution into Oklahoma's lands, rivers, streams and waters through changes in the way the poultry industry disposes of chicken wastes, containment of such wastes, required remediation of lands, rivers, streams and waters under court order, as well as public awareness and communications programs. The parties acknowledge that injunctive relief may be more significant and of greater value to the State than monetary damages. Therefore, the parties agree that the fee due the lawyers shall have two components, a percentage of any monetary damages recovered, and an equal percentage of the value of injunctive relief obtained. The fee as agreed to herein shall be the second priority use of any settlement or monetary recovery in the suit. The total fee shall be subject to an agreed fee cap as set forth below.

c. The lawyers shall be entitled to 33 1/3% of any monetary damages recovered in the suit by judgment or settlement, whether such damages are paid in a lump sum or in a structured payment over time.

d. The lawyers shall also be entitled to 33 1/3% of the value of any injunctive relief obtained. The parties shall use their best efforts to agree on the value of injunctive relief obtained. In the absence of an agreement between the parties as to the value of injunctive relief, the value of such relief shall be determined by consideration of economic models used in the suit, the cost of remediation imposed on the defendants by the Court or the jury, or by other methods agreed upon by the parties. Should the parties fail to agree on the value of the injunctive relief obtained, the value shall be determined by a three member arbitration panel whose decision shall be final and unappealable. Each party shall choose one member of the panel and the two members shall choose the third who shall be the chairperson. The arbitration shall be conducted under rules established by the panel.

e. In the event the suit results in an award of monetary damages, injunctive relief or remediation or any combination of these awards through judgment or settlement, the total amount of the costs, expenses and fees to be paid to the attorneys shall not exceed 50% of the amount of the monetary damages (the fee cap), except under circumstances set forth in subparagraph g below. In the event that the suit does not result in an award of monetary damages, attorneys fees, costs and expenses shall only be recoverable through a court award or settlement.

f. Should the Court award the State as prevailing party attorney costs, expenses and fees to be paid by the defendants, the State shall support as an award of reasonable attorney fees in an amount not less than the contingency fee amount required by this contract. Any costs, expenses or fees due the lawyers under this contract shall first be satisfied from funds

awarded by the Court from the defendants. Such an award of costs, expenses and fees shall not be considered as part of monetary damages and shall not be subject to the lawyers' 33 1/3% contingency.

g. Should the costs, expenses and fees awarded by the Court from the defendants exceed the costs, expenses and fees otherwise due the lawyers under this section, the lawyers shall be entitled to the costs, expenses and fees awarded by the Court rather than those otherwise due under this section.

h. In the event of withdrawal of any lawyer or the lawyers, the Attorney General and the State will owe nothing for attorney fees, costs or expenses, and the attorney(s) withdrawing shall not have any right of recourse against the Attorney General or the State for any legal costs incurred or services performed.

i. The attorneys shall use best efforts to maximize the ultimate net recovery for the State, including using best efforts to recover costs, expenses and fees in the first instance from Defendants, either through settlement or by petitioning the Court. In the event that attorney fees, costs and expenses are paid directly to the lawyers, the State will receive an equal credit against the contingency fee, costs and expenses due the lawyers under this Agreement. If the Court awards attorney fees, expenses and costs, the State shall be entitled to that portion of the award that is based on services provided by the Attorney General and the contingency fee due the lawyers from the defendants under this Agreement shall not be reduced by the amount awarded directly to the Attorney General for his services.

4. *Effect of participation by other Plaintiffs on common recovery.* Should any other plaintiff join in the suit, and a common recovery of either money damages or injunctive relief result, the costs, expenses and fees due the lawyers shall be based on the value of the total recovery before any allocation of the value of the recovery among the plaintiffs. The lawyers agree that they will not represent any other party in this suit without prior written approval from the Attorney General.

5. The State shall handle public statements. The parties recognize that the suit will be one in the public interest, and that public statements about its conduct shall come from the Attorney General or his designee.

6. Confidentiality. The lawyers agree to keep all information gained in the course of representation confidential to the full extent allowed by law, including, but not limited to, information pertaining to the suit, the Office of Attorney General and its officers and employees. The lawyers will not use such information to the detriment of the Office of Attorney General nor its officers and employees at any time. It is understood and agreed that any agreement between the lawyers and others providing professional services to the lawyers relating to the suit shall contain a confidentiality clause that conforms to the requirements of this paragraph.

7. Malpractice Insurance. Counsel presently maintains reasonable malpractice insurance and agrees to maintain such insurance during the term of this Agreement which shall begin upon execution of the contract by all parties and end upon completion of the litigation.

8. Modification. This Agreement may be modified at any time, in whole or in part, by consent of the Attorney General and the lawyers. Such modification shall be in writing and signed by all parties to the Agreement.

Agreed:

W.A. Drew Edmondson
Attorney General
State of Oklahoma

Miller & Keffer, LLP

Riggs, Abney, Neal, Turpen, Orbison & Lewis

Motley Rice

William H. Norwood
Managing Member