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

STATE OF OKLAHOMA,	:	
Plaintiff,	:	
v.	:	**Case No. 4:05-CV-329-GKF-PJC**
TYSON FOODS, INC., *et al.*,	:	
Defendants.	:	

RESPONSE TO DEFENDANTS CARGILL INC.'S AND CARGILL TURKEY PRODUCTION LLC'S REQUESTS FOR ADMISSION, INTERROGATORIES, AND REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFFS [SIC] (FEBRUARY 17, 2009)

GENERAL OBJECTION

The State objects to these Requests for Admissions because they exceed the number allowed the Cargill Defendants under LCvR 36.1.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Poultry waste is an effective fertilizer when properly used.

RESPONSE TO REQUEST FOR ADMISSION NO. 1: The number of these requests exceeds the limit authorized by LCvR 36.1. Subject to the meaning ascribed to the term "effective fertilizer" by General Edmondson, and accepting that "properly used" means used where there is an agronomic need for both nitrogen and phosphorus and not in excess of the agronomic need for nitrogen or phosphorus, and used consistently with all state and federal statutes and common law, including but not limited to the prohibition on discharge and runoff

from the application site, this request is admitted.[1] However, this statement is denied to the extent that, as a matter of law, poultry waste is not a fertilizer under Oklahoma law. *See* 2 Okla. Stat. § 8-77.3(11). Based on the expert testimony of Dr. Gordon Johnson, poultry waste is not a good fertilizer. *See* Exhibit 1 hereto, at No. 13.

REQUEST FOR ADMISSION NO. 2: Every instance of application of poultry waste to lands within the IRW results in a release or threatened release of hazardous substances from a facility.

RESPONSE TO REQUEST FOR ADMISSION NO. 2: Subject to and without waiving the objection that the number of these requests exceeds the limit authorized by the LCvR 36.1, this request is admitted.

REQUEST FOR ADMISSION NO. 3: Not every instance of application of poultry waste to lands within the IRW results in a release or threatened release of hazardous substances from a facility.

RESPONSE TO REQUEST FOR ADMISSION NO. 3: Subject to and without waiving the objection that the number of these requests exceeds the limit authorized by LCvR 36.1, this request is denied.

REQUEST FOR ADMISSION NO. 4: The State of Oklahoma does not know whether every instance of application of poultry waste to lands within the IRW results in a release or threatened release of hazardous substances from a facility.

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[1] The State notes that Drew Edmondson is not a Plaintiff in this action. The State of Oklahoma is the Plaintiff. Attorney General Edmondson is the State's chief law officer and lead counsel for the State in this action.