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

STATE OF OKLAHOMA, *et al.*	)	
	)	
	)	
Plaintiffs	)	
	)	
v.	)	Case No. 4:05-cv-00329-GKF(PJC)
	)	
TYSON FOODS, INC., *et al.*	)	
	)	
Defendants	)	

SIMMONS FOODS, INC.'S ANSWERS TO STATE OF OKLAHOMA'S INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS OF MARCH 17, 2009

Comes now the Separate Defendant, Simmons Foods, Inc. ("Simmons"), and for its Answers to State of Oklahoma's Interrogatories and Requests for Production of Documents of March 17, 2009, states and alleges as follows:

INTERROGATORY NO. 1: Please identify each instance (including, where available, specific date, specific location, tonnage of waste applied, acreage upon which it was applied, and STP before application) in which poultry waste generated at your poultry feeding operations, or at poultry feeding operations under contract with you, has been land applied within the IRW as fertilizer, identifying all witnesses to the application and all documents evidencing it.

ANSWER: Simmons objects to Interrogatory No. 1 on the grounds that the Plaintiff has already exceeded the number of interrogatories allowed under Rule 33 of the Federal Rules of Civil Procedure. Simmons also objects to Interrogatory No. 1 on the grounds that it is overly broad and unduly burdensome in that it is not limited to a reasonable time period. Subject to and without waiving the foregoing objections, Simmons does not have information concerning any

Exhibit 19

"waste" generated at any "poultry feeding operation." Simmons does not have any "poultry feeding operations" located within the Illinois River Watershed. To the extent Plaintiff is seeking the location that poultry litter from a farm under contract with Simmons may have been land applied, Simmons does not have that information other than in the form of "Grower Surveys" which are voluntary and have only been used in the past few years. Those documents have already been provided to Plaintiff as SIM AG 31653 – SIM AG 31707 and SIM AG 32199 – SIM AG 32232. For poultry farmers located in Oklahoma, Plaintiff can obtain information concerning land application of poultry litter from its own records related to poultry farmers and poultry litter applicators, all of which is licensed, permitted, and regulated by Plaintiff.

INTERROGATORY NO. 2: Please identify each instance (including, where available, specific date, specific location, tonnage of waste applied, acreage upon which it was applied, and STP before application) where poultry waste generated at your poultry feeding operations, or at poultry feeding operations under contract with you, has been land applied within the IRW which has not resulted in any run-off or leaching, identifying all witnesses to the application and all documents evidencing it.

ANSWER: Simmons objects to Interrogatory No. 2 on the grounds that the Plaintiff has already exceeded the number of interrogatories allowed under Rule 33 of the Federal Rules of Civil Procedure. Simmons also objects to Interrogatory No. 2 on the grounds that it is overly broad and unduly burdensome in that it is not limited to a reasonable time period. Simmons further objects to Interrogatory No. 2 because it is overly broad and unduly burdensome in that it attempts to shift the burden of proof from Plaintiff to Simmons and tries to force Simmons to prove a negative. Plaintiff has the burden of proof in this case, not Simmons.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 1: Please produce all documents identified in the foregoing interrogatories.

ANSWER: To the extent Simmons had any responsive documents they have already been provided.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 2: Please produce all documents evidencing land application of poultry waste from your poultry feeding operations, or those of your contract growers, in the IRW in which the land application was used as fertilizer, including but not limited to the specific date, specific location, tonnage of waste applied, acreage upon which it was applied, and STP before application.

ANSWER: Simmons objects to Request for Production of Documents No. 2 on the grounds that it is duplicative of numerous other Requests for Production of Documents propounded by Plaintiff. To the extent Simmons had any documents that are responsive to this request they have already been provided to Plaintiff. Furthermore, for poultry farmers located in Oklahoma, Plaintiff can obtain information concerning land application of poultry litter from its own records related to poultry farmers and poultry litter applicators, all of which are licensed, permitted, and regulated by Plaintiff.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 3: Please produce all documents evidencing land application of poultry waste from your poultry feeding operations, or those of your contract growers, in the IRW in which the land application of poultry waste has not resulted in any run-off or leaching, including but not limited to the specific date, specific location, tonnage of waste applied, acreage upon which it was applied, and STP before application.

ANSWER: See Response to Interrogatory No. 1, Response to Interrogatory No. 2, Response to Request for Production No. 1, and Request for Production No. 2

Dated this 16th day of April, 2009.

SIMMONS FOODS, INC.,

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CERTIFICATE OF SERVICE

I hereby certify that on 16th day of April, 2009, I electronically transmitted the foregoing document to the following counsel of record via email:

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