IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel, W.A. DREW EDMONDSON, in his capacity as ATTORNEY GENERAL OF THE STATE OF OKLAHOMA, et al.	)	
Plaintiffs,	)	
V.	)	No. 05-CV-329-GKF-SAJ
TYSON FOODS, INC., et al.,	)	
Defendants.	)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MARCH 11, 2008

PRELIMINARY INJUNCTION HEARING

VOLUME VIII

BEFORE THE HONORABLE GREGORY K. FRIZZELL, Judge

APPEARANCES:

For the Plaintiffs: Mr. Drew Edmondson
Attorney General
Mr. Robert Nance
Mr. Daniel Lennington
Ms. Kelly Hunter Burch
Mr. Trevor Hammons
Assistant Attorneys General
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105

Glen R. Dorrough
UNITED STATES COURT REPORTER

EXHIBIT
12

Q. "To your knowledge do you know of any Simmons Growers in the Illinois River Watershed who have caused poultry discharge into the waters of the state of Oklahoma?

A. "No, I'd have to say the same thing that I -- I said to her. I -- I'm sure with as many Simmons people I have they have had complaints against them for that purpose, but I'm not aware of any right now.

Q. "And to your knowledge have any Simmons growers polluted or contaminated the waters of the state of Oklahoma?

A. "Not -- not to my knowledge."

MR. ELROD: We tender the witness for -- I guess it would be cross-examination.

THE COURT: Cross-examination.

MR. NANCE: We call John Littlefield for Cross-Examination.

JOHN LITTLEFIELD

Called as a witness on behalf of the defendants, being first duly sworn, testified as follows:

CROSS-EXAMINATION

BY MR. NANCE:

Q. Mr. Littlefield, as an inspector for the Oklahoma Department of Agriculture, are you familiar with the part of the Oklahoma law that makes it illegal for poultry waste to cause runoff or discharge into the waters of the state?

A. Yes.

A. Once'd a year.
Q. And on average about how long are you out at a site when you are doing an inspection?
A. Approximately one hour.
Q. All right, sir. Do you ever wear any sort of protective gear when you do that?
A. Yes, I have.
Q. And what kind of gear do you wear?
A. Some boots, plastic boots.
Q. Why do you sometimes wear plastic boots when you go out and do an inspection?
A. Not to pass something on to the next farm that I'm going to go to, I guess.
Q. For a biosecurity concern for --
A. Yes, for biosecurity concern, yes, sir.
Q. Is that concern for the birds or concern for people?
A. The birds.
Q. What does a person have to pay annually to register their poultry growing operation with the Department of Agriculture?
A. $10.
Q. And about how many registered poultry growing operations are there in the state of Oklahoma?
A. Approximately 850.
Q. Mr. Littlefield, have you ever had instances in which growers have not been completely honest with you when you go

out and do an inspection?
A. Yes, I've had a few.
Q. And generally what have they not been honest with you about?
A. About where they've applied litter or how much they've applied.
Q. Now, is it also part of your job to look into complaints that are made about poultry growing operations?
A. Yes, sir.
Q. And about how many complaints do you look into a year?
A. Approximately 30 or 40.
Q. Do you take complaints from people on the street or in the coffee shop or whatever or are they complaints that come down to you from the Department of Agriculture?
A. They come down from the Department of Agriculture.
Q. What kind of complaints is it that you look into?
A. Well contamination. Spreading litter too close to the creeks, ponds. Odor, primarily all of them is odor related.
Q. Mr. Littlefield, do you routinely take soil samples from the poultry operations?
A. Yes.
Q. I mean --
A. Occasionally.
Q. Occasionally, okay. And is that something that you do on your own or is it something that you're asked to do by the