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

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

TYSON DEFENDANTS' RESPONSES TO THE STATE OF OKLAHOMA'S SEPTEMBER 13, 2007 SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION TO ALL DEFENDANTS

Defendants' Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., and Cobb-Vantress, Inc. (collectively, the "Tyson Defendants"), by and through their attorneys for their responses to Plaintiffs' September 13, 2007 Set of Interrogatories and Requests for Production to All Defendants state as follows:

OBJECTIONS TO DEFINITIONS

1. The Tyson Defendants object to Plaintiffs' definition of "Poultry waste" as vague, ambiguous and misleading. Poultry litter, which is what Plaintiffs apparently intend to encompass with the term "Poultry waste," is not waste as that term is defined in the regulatory context or in common usage. Without waiving this objection, The Tyson Defendants will respond.

2. The Tyson Defendants object to Plaintiffs' definition of "you" as overly broad in that it encompasses the Tyson Defendants' attorneys, consultants and investigators, and as such, Plaintiffs' interrogatories and requests for production using the term "you" as defined by Plaintiffs invade the Tyson Defendants' privileges against disclosure, including the attorney-

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client communication privilege, the attorney work product and trial preparation doctrines; and the common interest and joint defense privileges.

3. The Tyson Defendants object to Plaintiffs' definition of "Waters of the State" as legally wrong, vague, ambiguous and misleading in so far as that definition encompasses both publicly-owned and privately-owned water. Without waiving this objection, the Tyson Defendants will respond.

RESPONSES

INTERROGATORY NO. 1: Do you contend that since 1980 no poultry waste (including any constituents thereof) that was generated at your own poultry growing / feeding operations and/or poultry growing / feeding operations under contract with you and that was applied to land within the Illinois River Watershed has run-off / been released / been discharged, directly or indirectly, to the Waters of the State in the Illinois River Watershed? If you do not so contend, please describe with specificity (a) the constituents that have run-off / been released / been discharged, (b) when and how you first became aware that such constituents were running off / being released / being discharged, (c) the parcels of land from which such run-off / releases / discharges have occurred, (d) any efforts by you to quantify the amount of the constituents that have run-off / been released / have been discharged and the results of those efforts, (e) any efforts to characterize and/or quantify the environmental and/or human health effects of such run-off / releases / discharges on the Illinois River Watershed and the results of such efforts, and (f) the soil test phosphorus of the land upon which the poultry waste was applied at the time the poultry waste was applied.

RESPONSE TO INTERROGATORY NO. 1: The Tyson Defendants have not discovered nor been provided information which disputes the contention stated by Plaintiffs in Interrogatory No.1. The Tyson Defendants are not aware of any specific poultry litter

constituents that have run off of any particular parcel of land in the IRW and deny that there is information showing environmental or human health effects of poultry litter or its constituents and rely on the appropriate regulatory authorities in this regard.

INTERROGATORY NO. 2: Do you contend that the run-off / release / discharge of poultry waste (including any constituents thereof) that has been applied to land within the Illinois River Watershed had no adverse effect on the Waters of the State in the Illinois River Watershed or persons coming in contact or drinking such Waters? If you do not so contend, please (a) describe the adverse effect(s), (b) the degree of the adverse effect(s), (c) state when you first became aware of the adverse effect(s), and (d) state what you have done to address the adverse effect(s).

RESPONSE TO INTERROGATORY NO. 2: The Tyson Defendants have not discovered nor been provided information which disputes the contention stated by Plaintiffs in Interrogatory No.2. The Tyson Defendants deny there is information showing adverse effects of poultry litter or its constituents on the Waters of the State in the IRW or persons coming into contact with or drinking such water and relies on the appropriate regulatory authorities in this regard.

INTERROGATORY NO. 3: For each year since 1980 please state (a) the average weight per bird (in lbs.) of your birds raised / fed in the Illinois River Watershed, and the basis of your knowledge of this information, (b) the average weight of the excrement per bird (in lbs.) of your birds raised / fed in the Illinois River Watershed, and the basis of your knowledge of this information, (c) how many birds you raised /fed in the Illinois River Watershed, and the basis of your knowledge of this information, (d) the total weight of feed (in lbs. or tons) supplied to feed your birds raised / fed in the Illinois River Watershed, and the basis of your knowledge of this information, and (e) the total weight of the ingredients in that feed that were grown, mined

or otherwise produced within the Illinois River Watershed, and the basis of your knowledge of this information. If your response to any of the above is that you do not know, please state why you have never undertaken to determine this information.

RESPONSE TO INTERROGATORY NO. 3: The Tyson Defendants object to this interrogatory because requires the Tyson Defendants to research and compile documents and information previously produced or provided to Plaintiffs and to calculate and summarize that information to suit Plaintiffs' litigation purposes. The Tyson Defendants do not maintain the data or information in the manner requested in the ordinary course of their respective businesses. As Plaintiffs are aware, with regard to the average weight per bird raised, number of birds raised and feed utilized annually the Tyson Defendants do not track this information by watershed. This information is organized by Complex. Information responsive to the inquiries can be determined by utilizing Tyson Foods, Tyson Chicken, Tyson Poultry, and Cobb Vantress' Responses to Plaintiffs First Set of Interrogatories, Interrogatory No. 1(a) and supplements thereto and the live production data previously produced at TSN116813SOK-TSN116834SOK, TSN116835SOK-TSN116891SOK, TSN116892SOK-TSN116937SOK, TSN107974SOK-107985SOK, TSN108155SOK-TSN108982SOK, TSN105983SOK-TSN111043SOK, as well the previously produced records identified by bates number in the columns titled "Flock Transfer Register," "Flock Profile Report," "Broiler Production Settlement by Grower," "Cost of Hens Sold" and "Sold Hen Statistics" set forth in the attached index. With regard to Interrogatory 3(b) the Tyson Defendants do not know the average weight of the excrement per bird raised in the IRW. With regard to Interrogatory 3(e) the Tyson Defendants do not know the weight of the ingredients in the feed that was grown, mined or otherwise produced in the IRW. The Tyson Defendants in their normal course of business do not utilize and therefore do not maintain the information as requested in Interrogatories 3(a) - 3(e).

INTERROGATORY NO. 4: Please list the chemicals / chemical compounds, as well as types of any pathogens, that are typically found in excrement from your birds raised / fed in the Illinois River Watershed, and the ratio by weight of these chemicals / chemical compounds to one another. If your response is that you do not know, please state why you have never undertaken to determine this information.

RESPONSE TO INTERROGATORY NO. 4: The Tyson Defendants are generally aware as result of possessing certain Nutrient Management Plans (NMPs) that phosphates, nitrates, bacteria and potassium are contained in poultry litter. The Tyson Defendants previously produced to Plaintiffs NMPs which contain analysis of poultry litter and those can be found at Bates Range TSN18472SOK-TSN20640SOK and in the previously produced documents identified by bates number in the columns titled "Animal Waste Management Plan" and "Nutrient Management Plan" in the attached index.

INTERROGATORY NO. 5: For each year since 1980 please state whether poultry waste generated at your own poultry growing / feeding operations and/or poultry growing / feeding operations under contract with you in the Illinois River Watershed has been transported out of the Illinois River Watershed, and, if so, the identity of each operation that generated the poultry waste, the amounts of poultry waste that were transported out, when the poultry waste was transported out, where the poultry waste was transported to, who transported the poultry waste out, who paid for the transport out, and how much the transport cost.

RESPONSE TO INTERROGATORY NO. 5: The Tyson Defendants do not possess information necessary to sufficiently respond to this interrogatory as this information is maintained by third parties, such as BMPs, Inc., independent poultry farmers and commercial litter applicators/haulers who have no obligation to provide such information to the Tyson Defendants. The Tyson Defendants are aware that some growers whom with they contract with

have their poultry litter transported out of the IRW watershed. Some growers utilize a company called BMPs, Inc., which, in part, facilitates the transportation of poultry litter out of the IRW and Plaintiffs have subpoenaed records which would likely provide responsive information to this request from BMPs, Inc.. Tyson previously produced documents in its possession which contain information pertaining to the hauling of poultry litter out of the IRW. See Bates Ranges TSN112601SOK, TSN112705SOK, TSN112711SOK, TSN112717SOK, TSN112721SOK, TSN112741SOK, TSN112779SOK, TSN112799SOK, TSN112800SOK, TSN112800SOK, TSN112933SOK, TSN112953SOK, TSN112968SOK, TSN112969SOK, TSN112991SOK, TSN112994SOK, TSN113005SOK, TSN113036SOK, TSN113046SOK, TSN113150SOK, TSN113116SOK, TSN113168SOK-TSN113180SOK, TSN113230SOK, TSN113246SOK, TSN113335SOK, TSN113372SOK, TSN113383SOK, TSN113385SOK, TSN113420SOK, TSN113426SOK, TSN113427SOK, TSN113428SOK, TSN113429SOK, TSN113669SOK. Additionally, Plaintiffs have subpoenaed records from and taken depositions of independent poultry farmers who have contracted with the Tyson Defendant for the raising of poultry with regard the information requested in this interrogatory and received responsive information. Furthermore, Plaintiffs have subpoenaed records from and taken depositions of commercial poultry litter applicators/haulers who have purchased poultry litter from the Tyson Defendants and contract growers with regard to the information requested in this interrogatory and received responsive information.

INTERROGATORY NO. 6: For poultry waste generated at your own poultry growing / feeding operations and/or poultry growing / feeding operations under contract with you in the Illinois River Watershed since 1980 that has not been transported out of the Illinois River Watershed, please state, broken down by year, how the poultry waste was disposed of

(e.g., land application within the Illinois River Watershed, burning as fuel within the Illinois River Watershed, etc.) and the amount disposed of in each particular manner.

RESPONSE TO INTERROGATORY NO. 6: The Tyson Defendants do not possess sufficient information to respond to this interrogatory.

INTERROGATORY NO. 7: For each year since 1980, please state (a) the amount (in lbs., tons, or other standard of measure) of and (b) the percentage of the poultry waste generated by your poultry growing / feeding operations and poultry growing / feeding operations under contract with you that has been applied to land within the Illinois River Watershed as what you contend is a fertilizer, and identify the information upon which you have relied in making your answer.

RESPONSE TO INTERROGATORY NO. 7: The Tyson Defendants do not possess sufficient information to respond to this interrogatory.

INTERROGATORY NO. 8: Please identify each and every seminar, conference, workshop, symposium, meeting and/or task force since 1980 attended by or participated in by you or your employees that addressed (a) the land application of poultry waste (including any constituents thereof), (b) the run-off / release / discharge of poultry waste (including any constituents thereof) from land on which it has been applied to the environment, and/or (c) the environmental and/or human health effects or dangers of the run-off / release / discharge of poultry waste (including any constituents thereof) from land on which it has been applied to the environment. A complete answer will include (i) the name, date and location of the seminar, conference, workshop, symposium, meeting and/or task force, (ii) the sponsor(s) or organizer(s) of the seminar, conference, workshop, symposium, meeting and/or task force, (iii) a detailed description of the topics covered by the seminar, conference, workshop, symposium, meeting and/or task force, (iv) the names of the presentors at the seminar, conference, workshop,

symposium, meeting and/or task force, and (v) the name(s) of any attendees / participants from your company who attended or participated in the seminar, conference, workshop, symposium, meeting and/or task force.

RESPONSE TO INTERROGATORY NO. 8: Objection. This interrogatory is vague, overly broad and unduly burdensome in that it compasses more than a 25 year time span, and appears to seek detailed information regarding every occurrence during that time span in which an employee of the Tyson Defendants was present during a discussion (formal or informal) which involved poultry litter. As, such the Tyson Defendants cannot provide a complete response to this interrogatory. Tyson further objects to this interrogatory to the extent that it calls for information protected by the First Amendment to the United States Constitution. The First Amendment protects the right to petition the government for a redress of grievances, the right of free association and the right of assembly. Each of these rights are accorded protection equivalent to that of the freedom of speech. NAACP v. Alabama ex rel. Patterson, 357 U.S. 449, 460 (1958). NAACP v. Alabama ex rel. Patterson, 357 U.S. 449, 460 (1958). The United States Supreme Court has long acknowledged that the disclosure of information related to one's right to petition the government, associate with groups and assemble results in an impermissible "chilling effect" that discourages the exercise of those rights by subjecting them to physical, economic or social reprisals. Id., 357 U.S. at 462-63 (divulging NAACP membership lists will expose members to "loss of employment, threat of physical coercion, and other manifestations of public hostility" and "dissuade others from joining [the association] because of fear of exposure of their beliefs shown through their associations"); AFL-CIO v. Federal Election Comm'n, 333 F.3d 168, 176 (D.C. Cir. 2003) (release of internal union documents "will make it more difficult for the organizations to recruit future personnel"). The ability to exercise these rights in private, without government monitoring before, during or after the fact, is a necessary adjunct to the First

Amendment. "Inviolability of privacy in group associations may in many circumstances be indispensibable to preservation of freedom of association, particularly where a group espouses dissident beliefs." Patterson, 357 U.S. at 462; McIntyre v. Ohio Elections Comm'n, 514 U.S. 334, 341-42 (1995) ("The decision in favor of anonymity may be motivated by fear of economic or official retaliation, by concern about social ostracism, or merely by a desire to preserve as much of one's privacy as possible" and "is an aspect of the freedom of speech protected by the First Amendment"). These rights are not limited to political activities or beliefs. See NAACP v. Button, 371 U.S. 415 (1963) (the right to association includes mutual legal and economic interests). Subject to and without waiving the foregoing objections the Tyson Defendants respond as follows.

Jamie Burr attended: Eucha Spavinaw Watershed Management Team meetings hosted by ODAFF in spring 2004, November 2005, October 2006; a Nutrient Management Plan writing course hosted by the University of Arkansas in January 2007; a meeting regarding Hydrologic Assessment and Phosphorus Indices hosted the University of Arkansas in April 2007, Arkansas Phosphorus Index meetings hosted by ANRC in April, May, July and August of 2007; SERA 17 Conference hosted by the University of Arkansas in June 2007; University of Arkansas Water Quality Conference in October 2007 and BMP Board Meetings in November 2005, February and August 2006 and February, March, April, May, September and October 2007.

John Askegaard attended: a Poultry Litter & Renewable Resource Seminar in Fayetteville, Arkansas in May 2004; Winrock International seminar regarding poultry litter in Fayetteville, Arkansas in July 2006; National Poultry Waste Management Symposium in Springdale, Arkansas in October 2006, Presentation by Dr. Haggard at the University of Arkansas in November 2006.

The Tyson Defendants continue to search for additional responsive information to this Interrogatory and will supplement its response in the event additional information is identified.

INTERROGATORY NO. 9: Please state whether you are or ever have been a member of (a) Poultry Partners, (b) Poultry Federation, (c) United States Poultry & Egg Association, (d) National Chicken Council, (e) National Turkey Federation, (f) Southeastern Poultry & Egg Association, (g) National Broiler Council, and/or (h) Poultry Water Quality Consortium, and, if so, your years of membership and the names of your employees who represented you in the organization.

RESPONSE TO INTERROGATORY NO. 9: Objection. These interrogatories are unlimited with respect to time and as such are overly broad and unduly burdensome. Notwithstanding the foregoing objection the Tyson Defendants have attempted to determine whether they have ever been a member, the entire period of membership and the names of representatives from 2000 to the present: Interrogatory 9(a) No. Interrogatory 9(b) Yes, 2001 to the present, Mike Baker, Buddy Wray, Bob Pledger, Roy Slaughter, Archie Schaffer, Randy Smith, Patrick Pilkington, Greg Spencer and Jerry Moye. Interrogatory 9(c) Yes, 1950's to the present, Southeastern Poultry & Egg Association changed its name to United States Poultry & Egg Association in 1997, Bill Lovette, Donnie King and James Bell. Interrogatory 9(d) Yes, 1950's to the present, National Broiler Council became the National Chicken Council in 1999, James Bell, Greg Lee, John Lea, Bill Lovette, Bernard Leonard and Jerry Moye. Interrogatory 9(e) Yes, unable to determine dates of membership but is a current member, nominal member no representatives. Interrogatory 9(f) see response to 9(c). Interrogatory 9(g) see response to 9(d). Interrogatory 9(h) No.

INTERROGATORY NO. 10: Do you presently have or have you had since 1980 any direct or indirect ownership interest in any entity that raises / feeds poultry or owns poultry

in the Illinois River Watershed? If so, for each such entity please describe the interest in detail, including but not limited to the name of the entity, the nature of the interest in the entity, any other owners of the entity, the management structure and composition of the entity, the date when the interest in the entity began and (if applicable) when the interest terminated, if the interest terminated the reasons it terminated and what became of the interest, and the number of birds raised annually in the Illinois River Watershed by the entity.

RESPONSE TO INTERROGATORY NO. 10: Objection. The time frame for this request is over broad, unduly burdensome and seeks information which is irrelevant and not likely to lead to the discoverability of admissible evidence, see also objection to Interrogatory No. 3. Subject to and without waiving the foregoing objections, Yes. Tyson Poultry, Tyson Chicken and Cobb-Vantress all own poultry in the IRW. Tyson Poultry, Tyson Chicken and Cobb-Vantress are wholly owned subsidiaries of Tyson Foods. Information regarding management structure and composition of the Tyson Defendants can be found in the 30(b)(6) deposition of Read Hudson. Information regarding dates of incorporation of the Tyson Defendants can be found at Exhibit 21 to Tyson Foods, Inc.'s Form 10K filed with the United States Securities and Exchange Commission on November 21, 2007. That document may be found at www.sec.gov. As Plaintiffs are aware the Tyson Defendants do not track bird production by watershed. Bird production is organized by Complex. Information responsive to this inquiry can be determined by utilizing Tyson Foods, Tyson Chicken, Tyson Poultry, and Cobb-Vantress' Responses to Plaintiffs Interrogatory No. 1 and supplements thereto and the live production data previously produced at TSN116813SOK-TSN116834SOK, TSN116835SOK-TSN116891SOK, TSN116892SOK-TSN116937SOK, TSN107974SOK-107985SOK, TSN108155SOK-TSN108982SOK, TSN105983SOK-TSN111043SOK, as well the previously produced records identified by bates number in the columns titled "Flock Transfer Register,"

"Flock Profile Report," "Broiler Production Settlement by Grower," "Cost of Hens Sold" and "Sold Hen Statistics" set forth in the attached index.

INTERROGATORY NO. 11: Please describe in detail any involvement or role, direct or indirect, you had in the funding, research, writing, revision, publication or distribution (including the distribution to poultry growers under contract with you) of each and every edition / version of the "Poultry Water Quality Handbook," and state whether the "Poultry Water Quality Handbook" exists or ever existed in your files, or is or was ever in your possession.

RESPONSE TO INTERROGATORY NO. 11: The Tyson Defendants are unaware of any involvment or role in the Poultry Water Quality Handbook and have been unable to locate any version of same in their files.

INTERROGATORY NO. 12: Please identify (name, position, phone number, and last known address) all employees, past and present, with knowledge of (a) your policies, past or present, concerning the handling, storage, use, management, disposal and/or land application of poultry waste, (b) the propensity of poultry waste that has been land applied to run-off, and (c) any environmental or human health effects of poultry waste run-off.

RESPONSE TO INTERROGATORY NO. 12: The Tyson Defendants object to this interrogatory as overly broad and unduly burdensome in that it is not limited in time or geographic scope and could encompass an undeterminable number of Tyson Defendants employees who have worked in the area of poultry live production. As a result thereof the Tyson Defendants cannot identify all persons with the knowledge requested. Subject to and without waiving the foregoing objections: Interrogatory 12(a) John Askegaard, see Defendants Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc. and Cobb-Vantress, Inc.'s Rule 26(a) Initial Disclosures Section I.A. The aforementioned persons may only be contacted through counsel at Kutak Rock, LLP 214 West Dickson Street, Fayetteville, Arkansas 72701,

479.973.4200; Former employees: Preston Keller, Route 5 Box 1400 Stillwell, Oklahoma and Paul Hairston, 2240 Big Oaks, Fayetteville, Arkansas 72703; Interrogatory 12(b) the Tyson Defendants are not aware of responsive information to Interrogatory 12(b); Interrogatory 12(c) Mr. Patrick and Mr. Burr have knowledge regarding potential environmental effects of poultry litter.

INTERROGATORY NO. 13: Please state when you first communicated with your contract growers in the Illinois River Watershed about (a) best management practices, (b) waste management plans, (c) nutrient management plans, and/or (d) any concerns about the adverse environmental impact of the run-off / release / discharge of poultry waste that has been land-applied, and (e) the content of each of those communications.

RESPONSE TO INTERROGATORY NO. 13: The Tyson Defendants communicated to contract growers regarding the subject matter of inquires (a)(b)(c) and (d) with respect to the potential environmental effects of poultry litter in the late 1980's to Early 1990's. The Tyson Defendants have communicated to contract growers through the contract themselves, through services techs, grower meetings as well as manuals provided to contract growers.

INTERROGATORY NO. 14: Please identify each and every environmental study or investigation concerned with the environmental impact of the handling and/or disposition of poultry waste on water quality which you have been involved with or participated in, including but not limited to allowing or facilitating access to your operations, farms or property and/or the operations, farms or property of your contract growers, providing statistical or other kinds of information, answering questions, participating in surveys or granting interviews and/or allowing or facilitating your contract growers answering questions, participating in surveys or granting interviews, and discussing and/or reviewing the conclusions or results of such studies or investigations.

RESPONSE TO INTERROGATORY NO. 14: The Tyson Defendants are not aware of any involvment or participation in any environmental study or investigation concerning the environmental impact of the handling and/or disposition of poultry waste on water quality.

REQUEST FOR PRODUCTION NO. 1: To the extent you have not already produced them, please produce copies of all documents you relied upon in responding to each of the above interrogatories.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Additional documents are being reviewed and prepared for production and will produced under separate cover.

REQUEST FOR PRODUCTION NO. 2: To the extent you have not already produced them, please produce copies of all materials you or your employees received at the seminars, conferences, workshops, symposia, meetings and task forces identified in response to Interrogatory No. 8.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Additional documents are being reviewed and prepared for production and will produced under separate cover.

REQUEST FOR PRODUCTION NO. 3: To the extent you have not already produced them, please produce copies of all reports or analyses received from Agri Stats, Inc. (or any of its affiliates) that relate, directly or indirectly and in whole or in part, to your, any of your contract growers', any other defendants', or any other defendants' contract growers' poultry operations or facilities that are located in whole or in part in the Illinois River Watershed, including but not limited to any annual, monthly and special reports.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: Objection. This request contains no time frame and as such is over broad and unduly burdensome. Furthermore, this request seeks information which is irrelevant and not likely to lead to the discoverability of admissible evidence. Cobb-Vantress does not participate in Agri Stats. Agri Stats information

with respect to the Tyson Foods, Inc., Tyson Chicken, Inc., and Tyson Poultry, Inc. operations is reported in the aggregate by Complex and not by watershed. As Plaintiffs are well aware, both Noel and Springdale complexes are located in part in the IRW and in part in other watersheds. It is not possible to discern from Agri Stats data with respect to Tyson Foods, Inc., Tyson Chicken, Inc. and Tyson Poultry, Inc., which data is related to the IRW, as such this information is not relevant and not likely to lead to the discoverability of admissible evidence.

REQUEST FOR PRODUCTION NO. 4: To the extent you have not already produced them, please produce copies of all documents, reports, data and/or summaries that you have provided to Agri Stats, Inc. (or any of its affiliates) that relate, directly or indirectly and in whole or in part, to your, any of your contract growers', any other defendants', or any other defendants' contract growers' poultry operations or facilities that are located in whole or in part in the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Objection. This request contains no time frame and as such is over broad and unduly burdensome. Furthermore, this request seeks information which is irrelevant and not likely to lead to the discoverability of admissible evidence. Cobb-Vantress does not participate in Agri Stats. Information with respect to Tyson Foods, Inc., Tyson Chicken, Inc., and Tyson Poultry, Inc.'s operations is reported to Agri Stats in the aggregate by Complex and not by watershed. As Plaintiffs are well aware, both Noel and Springdale complexes are located in part in the IRW and in part in other watersheds. It is not possible to discern from the data reported to Agri Stats from Tyson Foods, Inc., Tyson Chicken, Inc. and Tyson Poultry, Inc., which data is related to the IRW, as such this information is not relevant and not likely to lead to the discoverability of admissible evidence.

REQUEST FOR PRODUCTION NO. 5: To the extent you have not already produced them, please produce copies of all documents, reports, data and/or summaries, including source

materials and supporting data, that you have provided to the U.S.D.A. that relate, directly or indirectly and in whole or in part, to your, any of your contract growers', any other defendants', or any other defendants' contract growers' poultry operations or facilities that are located in whole or in part in the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: Objection. This request contains no time frame and as such is over broad and unduly burdensome. Furthermore, this request seeks information which is irrelevant and not likely to lead to the discoverability of admissible evidence. Information reported by the Tyson Defendants to U.S.D.A is not reported by watershed. It is not possible to discern from the data reported by the Tyson Defendants to U.S.D.A which data is related to the IRW, as such this information is not relevant and not likely to lead to the discoverability of admissible evidence.

REQUEST FOR PRODUCTION NO. 6: To the extent you have not already produced them, please produce copies of all drafts / versions / editions of the "Poultry Water Quality Handbook" in your possession, as well as all documents referring or relating to the "Poultry Water Quality Handbook" or the creation of the "Poultry Water Quality Handbook."

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: The Tyson Defendants are presently unable to identify any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 7: To the extent you have not already produced them, please produce copies of all documents referring or relating to the Poultry Water Quality Consortium.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: The Tyson Defendants are presently unable to identify any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 8: To the extent you have not already produced them, please produce any lists or catalogues of published treatises, periodicals, pamphlets, books

and articles (including title, author, publisher, and date of publication) in your possession, custody or control that address (a) the land application of poultry waste (or any constituents thereof), (b) the run-off / release / discharge of poultry waste (or any constituents thereof) from land on which it has been applied to the environment, and/or (c) the environmental and/or human health effects or dangers of the run-off / release / discharge of poultry waste (or any constituents thereof) from land on which it has been applied to the environment.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8: The Tyson Defendant are presently unable to identify any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 9: To the extent you have not already produced them, please produce copies of all reports, disclosures, impact statements, assessments or similar materials pertaining to (a) the land application of poultry waste (or any constituents thereof), (b) the run-off / release / discharge of poultry waste (or any constituents thereof) from land on which it has been applied to the environment, and/or (c) the environmental and/or human health effects or dangers of the run-off / release / discharge of poultry waste (or any constituents thereof) from land on which it has been applied to the environment that you received from, turned over to, or exchanged with any buyer or seller of a poultry growing / feeding operation or received, turned over, exchanged or generated in connection with the sale or purchase of any poultry growing / feeding operation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: The Tyson Defendants are presently unable to identify any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 10: To the extent you have not already produced them, please produce copies of any documents reflecting any direct or indirect ownership interest that you have or have had in the past 25 years in any entity that raises / feeds poultry or owns poultry in the Illinois River Watershed, as well as copies of documents relating to the nature of

the interest in any such entities, any other owners of any such entities, the management structure and composition of any such entities, the date when the interest in any such entities began and (if applicable) when such interests terminated, if such interests terminated the reasons they terminated and what became of the interests, and the number of birds raised / fed annually in the IRW by any such entities.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10: The Tyson Defendants object to this request as vague with respect to the type of documents the request seeks. Notwithstanding the foregoing objection, See response to Interrogatory No. 12 and Exhibit 21 to Tyson Foods, Form 10K filed with the United States Securities and Exchange Commission on November 21, 2007. That document may be found at www.sec.gov , search for ticker symbol TSN.

REQUEST FOR PRODUCTION NO. 11: To the extent you have not already produced them, please produce copies of documents reflecting your financial statements for fiscal years 2002 to the present, as well as any other documents reflecting your net worth for fiscal years 2002 to the present. For purposes of this request for production, the term "financial statement" includes, but is not necessarily limited to, balance sheets, statements of income, statements of equity position, statements of cash flow, and all footnotes.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: Tyson Foods, Inc.'s (of which Tyson Chicken, Inc., Tyson Poultry, Inc., and Cobb-Vantress, Inc are wholly owned subsidiaries) consolidated financial statements for fiscal years 2002 to the present can be found at www.sec.gov in each of its Form 10Ks filed with the United States Securities and Exchange Commission.

REQUEST FOR PRODUCTION NO. 12: To the extent you have not already produced them, please produce copies of all documents referring or relating to poultry waste generated at

your own poultry growing / feeding operations and/or poultry growing / feeding operations under contract with you in the Illinois River Watershed that has been transported out of the Illinois River Watershed (including but not limited to documents referring or relating to the identity of each operation that generated the poultry waste, the amounts of poultry waste that were transported out, where the poultry waste was transported to, who transported the poultry waste out, and who paid for the transport out).

RESPONSE TO REQUEST FOR PRODUCTION NO. 12: The Tyson Defendants have not identified additional documents responsive to this request.

REQUEST FOR PRODUCTION NO. 13: To the extent you have not already produced them, please produce copies of all documents listed on your Rule 26(a) disclosure in this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13: The Tyson Defendants have not identified additional documents responsive to this request.

REQUEST FOR PRODUCTION NO. 14: To the extent you have not already produced them, please produce copies of all documents referring or relating to the Animal and Poultry Waste Management Center at North Carolina State University.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14: The Tyson Defendants search for documents responsive to this request is ongoing and to the extent responsive discoverable documents are identified they will be produced.

REQUEST FOR PRODUCTION NO. 15: To the extent you have not already produced them, please produce copies of all documents referring or relating to any surveys / audits / reports of poultry growing / feeding operations owned by you or under contract with you in the Illinois River Watershed that concern or collected information about (a) the amount of poultry waste generated at such operations and/or (b) the disposition of poultry waste generated at such operations.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15: The Tyson Defendants have not identified additional documents responsive to this request.

REQUEST FOR PRODUCTION NO. 16: To the extent you have not already produced them, please produce copies of all correspondence between you and your contract poultry growers in the Illinois River Watershed that concern (a) how many poultry houses the poultry growing / feeding operation has / had in operation, (b) how much poultry waste is / was being produced annually (or for a particular time period) per house or per growing / feeding operation, (c) the disposition of the poultry waste generated at the poultry growing / feeding operation, (d) the costs associated with handling / disposing of poultry waste generated at the poultry growing / feeding operation, and/or (e) any preferences of the poultry grower regarding the disposition of the poultry waste generated at the poultry growing / feeding operation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16: The Tyson Defendants have not identified additional documents responsive to this request.

REQUEST FOR PRODUCTION NO. 17: To the extent you have not already produced them, please produce copies of all documents reflecting or referring to your earliest, as well as all subsequent, communications with your contract growers in the Illinois River Watershed about (a) best management practices, (b) waste management plans, (c) nutrient management plans, and (d) any concerns about the adverse environmental impact of the run-off / release / discharge of poultry waste that has been land-applied.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17: The Tyson Defendants have not identified additional documents responsive to this request.

REQUEST FOR PRODUCTION NO. 18: To the extent you have not already produced them, please produce copies of your earliest communications with employees at your company-owned and company-managed poultry growing / feeding operations in the Illinois River

Watershed about (a) best management practices, (b) waste management plans, (c) nutrient management plans, and (d) any concerns about the adverse environmental impact of the run-off / release / discharge of poultry waste that has been land-applied.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18: The Tyson Defendants search for responsive documents to this request is ongoing, presently the Tyson Defendants have not identified documents responsive to this request.

REQUEST FOR PRODUCTION NO. 19: To the extent you have not already produced them, please produce copies of all documents referring or relating to NCC / US Poultry CAFO Questionnaire, including but not limited to copies of the Questionnaire itself, all completed Questionnaires, all responses to the Questionnaire by you or your contract growers located in the Illinois River Watershed and all reports, analyses or compilations of such Questionnaire responses.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19: The Tyson Defendants have not identified additional documents responsive to this request.

REQUEST FOR PRODUCTION NO. 20: To the extent you have not already produced them, please produce copies of all documents referring to or relating to any progress reports to the Arkansas Department of Pollution Control and Ecology and Arkansas Soil and Water Conservation Commission for assessment of the progress and success of the Best Management Practices Program. By way of example, but without limitation, this request includes but is not limited to progress reports resulting from the "Environmental Agreement" one or more of the Tyson Defendants entered into in or about 1992 with contract growers in the Illinois River Watershed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20: The Tyson Defendants have not identified additional documents responsive to this request.

REQUEST FOR PRODUCTION NO. 21: To the extent you have not already produced them, please produce copies of all documents referring or relating to any mapping, imaging or depiction of land application of poultry waste, of phosphorus levels, of nitrogen levels and/or of nutrient levels in the Illinois River Watershed, including but not limited to any thermal imaging, aerial photography, satellite imagery, electromagnetic conductivity, or other mapping or imaging technologies.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21: Objection. The Tyson Defendants object to this request to the extent is seeks any information that its attorneys or consultants may have collected since the inception of the lawsuit. Notwithstanding the foregoing objection the Tyson Defendants have not generated or received maps, images, or photographs depicting land application of poultry litter or phosphorus or nitrogen levels in the IRW.

Additional Requests for Production to Each of the Tyson Defendants (Tyson Foods, Tyson Chicken, Tyson Poultry & Cobb-Vantress) Only

REQUEST FOR PRODUCTION NO. 22: To the extent you have not already produced them, please produce copies of all documents referring or relating to Tyson Complexes 1 thru 16 and their operations during the time when you owned them, including but not limited to all documents that concern poultry production, soil testing, poultry waste handling, poultry waste storage, poultry waste land application, poultry waste hauling, best management plans relating to the spreading or disposal of poultry waste / litter, farm management plans, nutrient management plans, the run-off / release / discharge of poultry waste, as well as all documents that reflect the identity of persons employed at Tyson Complexes 1 thru 16 during the time that you owned them.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22: The Tyson Defendants search for additional responsive documents is ongoing. No additional responsive documents have been identified at present.

REQUEST FOR PRODUCTION NO. 23: To the extent you have not already produced them, please produce copies of all documents referring or relating to the Tyson Research Farm and its operations during the time when you owned it, including but not limited to all documents that concern poultry production, soil testing, poultry waste handling, poultry waste storage, poultry waste land application, poultry waste hauling, best management plans relating to the spreading or disposal of poultry waste / litter, farm management plans, nutrient management plans, the run-off / release / discharge of poultry waste, as well as all documents that reflect the identity of persons employed at the Tyson Research Farm during the time that you owned it. For purposes of this request for production, the term "Tyson Research Farm" means the Tyson research facility which encompasses approximately 230 acres of real property (including appurtenances and structures on that property), located approximately one mile north of the Tyson Foods Corporate Headquarters on Johnson Road, Springdale, Arkansas.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23: The Tyson Defendants search for additional responsive documents is ongoing. No additional responsive documents have been identified at present.

REQUEST FOR PRODUCTION NO. 24: To the extent you have not already produced them, please produce copies of all documents obtained or reviewed regarding any real and/or personal property interests acquired by you from Hudson Foods, Inc., including but not limited to documents referring or relating to due diligence reviews or examinations, environmental reviews, surveys or inspections, soil tests, poultry barn capacity, poultry production figures, poultry waste production figures, poultry waste disposal methods and practices, and contracts or agreements with and identities of third party vendors used for poultry waste disposal.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24: The Tyson Defendants search for documents responsive to this request is ongoing and in the event responsive discoverable documents are identified they will be produced.

REQUEST FOR PRODUCTION NO. 25: To the extent you have not already produced them, please produce copies of all documents created or produced regarding your sale of real and/or personal property interests in poultry growing complexes in Oklahoma to Steve Butler, d/b/a Green Country Farms, including but not limited to documents referring or relating to due diligence reviews or examinations, environmental reviews, surveys or inspections, soil tests, poultry barn capacity, poultry production figures, poultry waste production figures, poultry waste disposal methods and practices, and contracts or agreements with and identities of third party vendors used for poultry waste disposal.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25: The Tyson Defendants search for documents responsive to this request is ongoing and in the event responsive discoverable documents are identified they will be produced.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the 7th day of December 2007, I electronically transmitted the attached document to the following ECF registrants:

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I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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Oklahoma City, OK 73118
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