

Dan W. Boyd and Gail Boyd, husband and wife;
Lucinda K. Boyd;
E.C. Branson Jr.;
Gary Brewer d/b/a Miami Skateland;
Chester Brewington d/b/a The Thunderbird Motel;
Gerald W. Bridgewater and Patricia A. Bridgewater, husband and wife;
Cynthia Broshar;
Jimmy L. Brunmeier;
Jim T. Buffaloe and Karen Conlon Buffaloe, husband and wife;
Andrea Bundy;
Clarence William Burr;
Rodney Dean Callahan and Roxilea Callahan, husband and wife;
Danny Cartwright and Kimberly Cartwright, husband and wife;
Gregg W. Cass and Linsey R. Cass, husband and wife;
Kenneth G. Cass and Kenneth G. Cass d/b/a Cass Plumbing;
John W. Cassell and Sandra Cassell, husband and wife;
Marvin Champlin and Joyce Champlin, husband and wife;
Cecil Chisum;
Jeff Clay;
Crystal Clayburg;
F. Leroy Collins and Sallie M. Collins, husband and wife;
Roy T. Collins;
Darren Cornog and Millie Cornog, husband and wife;
Lucinda Cummins;
Natthen and Micki Damann, husband and wife;
Daniel Cade Dareing;
Tom C. Dean and Tammy Dean, husband and wife;
Willie Darlene Desilva;
Tonja Doke;
Hank Downum and Roseana Downum, husband and wife;
Debbie Edwards;
Jack Elsey and Carolyn Elsey, husband and wife;
E.M.R. Inc. d/b/a Oakie Burger;
John Engesser and Barbara Engesser, husband and wife;
Richard B. Enyart;
Amy J. Erwin;
Debra K. Ervin;
Leslie E. Farris and Ruth Ann Farris, husband and wife;
Kenneth W. Ferris and Joyce Fitzgibbon;
E.W. Fletcher and Sondra Fletcher, husband and wife;
E.W. Fletcher as trustee of the E.W. Fletcher Trust;
Aaron Ron Forkum;
Derrick Fugate;
Ryan Garrett d/b/a S&J Quality Cars and
Unitec Gaming Services;

Lloyd Gatobu;
Jim Gering and Carolyn Gering, husband and wife;
Michael J. Glassman and Debbie Glassman, husband and wife,
d/b/a Glassman Builders;
Scott B. Glover and Kimberly Glover, husband and wife;
Harry T. Griffin and Janice L. Griffin, husband and wife;
Barbara Haile d/b/a Smile-A-Mile;
Donald Hall Sr. and Patricia Hall, husband and wife;
David Shane Hallett;
The Harbor of Miami, Inc.;
Robert Hardee and Phyllis Hardee, husband and wife;
Rodney D. Harner and Opal Harner, husband and wife;
Betty Henson;
Cheri Herson;
James Herson and Dixie Herson, husband and wife;
Rachel Herrel;
Deryl V. Herren and Joyce E. Herren, husband and wife;
James M. Heyburn and Carrie A. Heyburn, husband and wife;
Tom D. Hickey and Myra Hickey, husband and wife;
Dawn Hildebrand;
Teresa Hill;
Ricky Don Hill;
Travis Hins;
Howard Hoover;
Casey Hough;
Charles E. Houseman and Carol Jean Houseman, husband and wife;
Dona Howell;
Dorena Jackson;
Tony Jameson and Judith Arnold Jameson;
Jeet L.L.C., d/b/a Townsman Motel;
Gary L. Johnson and Retha Johnson, husband and wife;
Merritt W. Johnson;
Ray L. Judkins and Judy Judkins, husband and wife;
Betty J. Kelly;
Emma R. Kennedy;
Linda G. Kerby;
Demaris Childres Killion;
Debra Sue King;
Floyd Kinney and Sherry Kinney, husband and wife;
Howard Klinefelter and Pauline Klinefelter, husband and wife;
Jimmy Koronis and Tiffany Koronis, husband and wife;
Steve Kresyman and Karen Kresyman, husband and wife;
d/b/a Miami Car Wash;
Ike Lacy and Nancy Lacy, husband and wife;
Roger L. Lacy II and Tiffany Lacy, husband and wife;

Myrl Jeaneene Landers;
James G. and Nina P. Larkin, husband and wife;
Everett Lasiter;
Jean Lasiter and Michael Lasiter, husband and wife;
Patricia Laub;
Jeffery Lavine and Jonia Lavine, husband and wife;
Linda Wyrick Lee;
Agnes Blair-Lloyd;
Herb Logan and Patricia Logan, husband and wife;
Gregg Lovell;
Sheila Macy;
Paul Marquez and Dava Jo Marquez, husband and wife;
Denis Martin;
Cassie Mattingly;
Delmar Mattingly and Deann Mattingly, husband and wife;
Michael Mattingly and Debra J. Mattingly, husband and wife;
Robert E. Maxwell;
Saban McCabe and Leona McCabe, husband and wife;
Jeffry L. McCool and Carolyn J. McCool, husband and wife;
Kenneth M. McCord and Sherri A. McCord, husband and wife;
Deann McCracken;
Victor McKibben and Natasha McKibben, husband and wife;
Miami Animal Hospital, Inc.;
Scott B. McKinney and Shelley McKinney, husband and wife;
Clarence W. McMinn and Marian J. McMinn, husband and wife;
Clinton Miller;
Denver Miller;
Norvell J. Miller and Cora Miller, husband and wife;
John Mills and Janis Mills, husband and wife;
Charles W. More and Hiromi More, husband and wife;
Jack E. Morris;
Thomas Mudrick and Susan J. Mudrick, husband and wife;
Sherman T. Murphree and Shari Lynn Murphree, husband and wife;
George T. Myers and Elaine Myers, husband and wife;
Melva Neece;
Alan E. Newkirk and Mary J. Newkirk, husband and wife;
James E. Nott and Susan L. Nott, husband and wife;
Lloyd Ogle and Joan Ogle, husband and wife;
Teresa M. O'Hara;
Dale Owens and Carol Owens, husband and wife;
Eugene Parsons and Susan Parsons, husband and wife;
Vinod Patel;
Donald Patterson and Cheryl Patterson, husband and wife;
Bettie Payne;
David Payne and Alice L. Payne, husband and wife;

Freddie L. Payton and Raydenia Payton, husband and wife;
John D. Payton and Joyce Payton, husband and wife;
Dave Perry and Letha Perry, husband and wife,
d/b/a Big Daddy's Bar-B-Q and Deli and
Little Treasures and Perry's Towing and Recovery;
Robert B. Pewitt and Ann L. Pewitt, husband and wife;
Tony Pickett;
Scott Potter and Melanie Potter, husband and wife;
Ricky R. Powers and Kelli Powers, husband and wife,
d/b/a Riverview Auto Sales;
Kerry Radosevich and Cindy Radosevich, husband and wife,
d/b/a Serenity Inn Motel;
Greg Ratliff and Carol Ratliff, husband and wife;
James Rawlins,
Floey E. Ray;
James L. Redden and Cathy L. Redden, husband and wife;
Jake Reed, d/b/a Reed Upholstering;
Leanne E. Reeves;
Randall Rhodes and Norma Rhodes, husband and wife;
Benjamin D. Ricketts and Jennifer Ricketts, husband and wife;
Joshua Riojas;
Riojas Industries Inc.;
Cynthia Elaine Rios;
Carson B. Roberts;
Ellen Roberts; d/b/a One Stop Convenience;
Bill Robertson and Ethel Jeanette Robertson, husband and wife;
Tom Robertson and Marsha Robertson, husband and wife;
Bani G. Rodriguez and Seuna Rodriguez, husband and wife;
Roger Lee Rollins and Elizabeth Rollins, husband and wife;
Archie Rowden and Rosalie Rowden, husband and wife;
Nedra K. Roye;
Charles D. Russell and Angela R. Russell, husband and wife;
Roy Rutherford and Patricia J. Rutherford, husband and wife;
Timothy Rutherford and Aimee Rutherford, husband and wife;
Paula Rutledge;
Ryan Rutledge and Nakia Rutledge, husband and wife;
Lloyd W. Schoenhals and Donna Schoenhals, husband and wife;
Patsy Schubert;
Dennis R. Senter and Lisa Mayes Senter, husband and wife,
Jimmy Lee Sharbutt, Jr.;
Phillip J. Shyers and Stella L. Shyers, husband and wife;
Jonathan Sievert and Donna Sievert, husband and wife;
d/b/a Premium Plumbing;
Robert Silversmith and Karen Silversmith, husband and wife;
Claudia J. Sisco;

Buff Springer and Vera Springer, husband and wife;
Robin E. Still,
d/b/a Still Construction;
Bradley K. Stogsdill and Linda Stogsdill, husband and wife;
Betty S. Sutton;
Robert E. Swanson and Virginia Swanson, husband and wife;
Betty S. Sutton;
Robert E. Swanson and Virginia Swanson, husband and wife;
Virgil E. Tarter;
Darrell L. Testerman and Mary J. Testerman, husband and wife;
Tommy Thulin and Kathy Thulin, husband and wife;
Bryon W. Traylor and Debra L. Traylor, husband and wife;
Angela R. Trigg;
Danny Trujillo and Linda M. Trujillo, husband and wife;
Bruce Turner and Ruth Turner, husband and wife;
Lee D. Uto and Marilyn A. Uto, husband and wife;
Roy J. Vanatta and Reta A. Vanatta, husband and wife;
Jimmy W. Vaughn and Cristie Vaughn, husband and wife;
Vonda Gayle Wakefield;
David R. Walker and Mary M. Walker, husband and wife;
d/b/a Autofordables Finance Corporation;
Joyce Betty Weaver;
Mike Webb and Ruth Webb, husband and wife;
James K. Webber;
Verdale Weeden Sr., and Donna Weeden, husband and wife;
Jeri White;
J.D. Wilhoit, Jr. and Rose Wilhoit, husband and wife;
John Wilhoit III;
Mike Willard and Sally Willard, husband and wife;
Brad Williams and Tiffany Williams, husband and wife;
Warren Williams and Shannon Williams, husband and wife;
Jason Wilson and Cean Wilson, husband and wife,
d/b/a Wilson's Portable Welding;
Richard A. Woolard and Rosemary Woolard, husband and wife;
David D. Wright;
Steven R. Wright;
Robert York and Christina York, husband and wife.

**c/o Larry Bork
Goodell, Stratton, Edmonds &
Palmer, L.L.P.
515 South Kansas Avenue
Topeka, KS 66603-3999**

and

Scott R. Rowland
Renee Demoss
1100 ONEOK Plaza
100 West Fifth Street
Tulsa, Oklahoma 74103-4217
918/595-4800
918/595-4900 Fax

GRAND RIVER DAM AUTHORITY'S
FIRST SET OF DISCOVERY REQUESTS

Defendant, Grand River Dam Authority, propounds the following Interrogatories to you under the provisions of Okla. Stat. tit. 12 § 3233, requiring answers to be made under oath within thirty (30) days from the date of service or such earlier date as the Court may order.

If any of these interrogatories cannot be answered in full, answer to the extent possible, specifying the reasons for your inability to answer the remainder and stating whatever information, knowledge or belief you do have concerning the unanswered portion.

In answering these interrogatories, please furnish all information which is available to you, including information in the possession of your attorney, investigators, and all other persons acting in your behalf, not merely such information which may be of your own personal knowledge. Each Interrogatory is a continuing one. If, after serving answer to any Interrogatory, the Plaintiff obtains or becomes aware of any further information pertaining to such interrogatory, Plaintiff is required to serve upon the Defendant, amended answers setting forth all such information.

INTERROGATORIES

INTERROGATORY NO. 1: Please state your name, address, telephone number, date of birth, occupation, name of employer, and employment position.

INTERROGATORY NO. 2: Please state the legal description and address of your real property that was affected by the floods at issue in this case. Describe the real property, stating whether it is commercial or residential, the number of acres, any improvements located thereon, how it is currently being used, and whether any part of the premises was rented at the time of the floods at issue in this case (and if so, to whom).

INTERROGATORY NO. 3: Please identify the name, age, address and phone numbers of all occupants of your real property at issue for the last ten (10) years.

INTERROGATORY NO. 4: Please state whether or not your property lies in an area which any governmental authority (federal, state, county or city) has designated or zoned as a flood plain.

INTERROGATORY NO. 5: Please state the highest and lowest elevations, if known, of your real property that is at issue, and as to any structures claimed damaged by flood waters, the elevation and location on your property of each such structure.

INTERROGATORY NO. 6: Please state the date of each flood that you claim caused damage to your property and, as to each such flood, describe and itemize the damage to your property for which you are seeking compensation and state the total amount of compensation for damage which is sought by you as to such flood.

INTERROGATORY NO. 7: If you have ever had an appraisal of the real property that is at issue (either before or after the flooding, or both), identify the date of the appraisal(s), the person or entity who performed the appraisal(s), the reason for the appraisal(s), the description of the land that was appraised, and the amount of the appraisal.

INTERROGATORY NO. 8 Please describe and state the date of all actions taken by you or someone on your behalf to avoid, prevent or reduce the damages you are claiming as to each flood, and identify all person involved in such activities.

INTERROGATORY NO. 9: Was your property flooded during any of the floods occurring in 1885, 1904, 1927, 1935, 1941, 1943, 1957, 1959, 1992, 1993, 1994, 1995 or at any other time? If so, please identify the date of the flood and describe the damage suffered by your property during each prior flood which affected it.

INTERROGATORY NO. 10: How much did you pay for your real property that is at issue?

INTERROGATORY NO. 11: Please state whether any previous owners of your real property at issue or other persons ever made disclosures to you regarding flooding to your real property. Please identify each person by name and address and provide a brief description of their disclosures to you.

INTERROGATORY NO. 12: Please state whether you have ever listed the real property at issue for sale within the last ten (10) years. Identify all brokers, realtors or other persons or entities that marketed for sale the subject property, dates the property was listed for sale and names of potential buyers, if any.

INTERROGATORY NO. 13: Itemize you damages for each and every item of personal property you claim was damaged or destroyed due to the floods which are the subject of this litigation. This includes identifying each item of personal property, specifying the approximate date each item was originally purchased, the purchase price, the amount of damage to each item, the date each item was damaged (i.e. which flood), where each item was located

within your real property, the claimed value of each item at the time it was destroyed or the cost of repair if it was damaged.

INTERROGATORY NO. 14: Identify the individual or entity from whom you purchased your real property, the year of the purchase and what amounts, if any, were mortgaged or otherwise financed.

INTERROGATORY NO. 15: Identify in full and complete detail any and all improvements made to the subject premises following each of the floods. This includes a description of the improvement, where it was located, the cost of the improvement, the date on which it was made and the reason the improvement(s) was made.

INTERROGATORY NO. 16: State whether within the last ten years you have been a party to any civil or criminal lawsuit or administrative proceeding against any person or entity and identify for each proceeding:

- (a) The name and address of each party involved;
- (b) The jurisdiction in which said claim was made;
- (c) The identifying number or court number of said claim;
- (d) The basis of the claim; and
- (e) Whether the claim is pending and, if not, the disposition of the claim.

INTERROGATORY NO. 17: Have you ever received money from the Federal Emergency Management Agency ("FEMA"), including grants or loans for any flooding to your real property? If so, please state when you received the money and the amount of money received.

INTERROGATORY NO. 18: Do you still own the subject property? If not, please provide (1) the date it was sold by you, (2) the purchase price, (3) the name(s) of the buyer(s).

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Okla. Stat., tit. 12, § 3234, the Defendant, Grand River Dam Authority (“GRDA”), requests that the Plaintiff produce the following documents and things for inspection and copying.

Obligations to Produce Documents and Things

You must respond to these requests for the production of documents or things [”Requests”] and/or produce the responsive documents and things for inspection and copying within thirty (30) days after service of these requests, at the law offices of Feldman, Franden, Woodard & Farris, Two West Second Street, Suite 900, Tulsa, OK 74103, or at such other place, date and time as may be mutually agreed in writing. Moreover, these Requests are of a continuing nature, and you are legally obligated to timely supplement your responses as required by Okla. Stat., tit. 12, § 3226(E).

Instructions for Production

These Requests encompass all documents [as later defined], in the possession, custody, and control of the Plaintiff, or any of Plaintiff’s agents, employees, joint ventures, partners, contractors, accountants, attorneys, or assignees, which are available to Plaintiff wherever they are located.

All documents produced are to be segregated and identified as responsive to the enumerated Request to which they are produced.

If you contend that any document requested herein is exempt from discovery because it purportedly falls within some statutory or other privilege, you must, in lieu of production, identify the responsive document or thing and state the specific factual and/or legal basis for any such exemption.

Definitions

A. **"You,"** or **"your,"** means you the Plaintiff and refers to Plaintiff's officers, managers, attorneys, employees, representatives, agents and/or other persons acting, or purporting to act, on your behalf; and includes Plaintiff's affiliates, subsidiaries and/or parent companies.

B. **"Person"** means a natural or artificial entity having a discrete legal or practical identity of any kind whatsoever; and refers, not only to human kind, but also to legal, practical or conceptual entities such as organizations (including divisions, departments, and other units), a public or private corporations, partnerships, limited liability companies, associations, joint ventures, proprietorships, trusts, estates, governmental agencies, boards, commissions, bureaus or departments.

C. **"Entity"** any artificial person, organization, association or being having a discrete legal or practical identity, and without limitation, includes a public or private corporation, partnership, limited liability company, association, joint venture, proprietorship, trust, estate, governmental agency, board, commission, bureau or department.

D. **"Document"** or **"documentation,"** means any thing, of any kind, form or description, which contains any form of matter or data capable of being perceived by the senses or the mind. It refers to any written, graphic or symbolic matter of any type whatsoever, however produced or reproduced, whether sent or received or neither; and, without limitation,

includes items created, recorded or stored by means of or on paper, canvass, film, negatives, microfiche, magnetic or electronic tape, computer drives or diskettes, digital processes and things similar to any of the foregoing, however denominated, whether currently in existence or already destroyed.

E. **"Communication"** means an exchange of information or contact between two or more persons, irrespective of the manner by which it is accomplished. It includes spoken statements, physical gestures, symbolic representations and non-lingual sounds or utterances exchanges; and, without limitation, refers to notes, memoranda, letters and other written correspondence of any kind whether by hand or otherwise, electronic mail or other electronic correspondence or communications of any kind, conversations, and/or audio or video recordings.

F. The word **"meeting" or "meetings"** means any coincidence of presence of any persons, whether or not such coincidence of presence was by chance or prearranged, formal or informal, or in connection with some other activity.

G. **"Identify," "identity," or "identification"** means, when referring to:

- (1) A **natural person**, to state his or her: full name, present or last known position and/or business affiliation and both home and business addresses;
- (2) A **business entity**, to state its: present or last known name and address;
- (3) A **document** to state: its date, signatories, drafters, nature and substance; the identity [as defined] of person(s) who received it; and the identity [as defined] of the custodian of the original (or, if that is unavailable, the most legible copy thereof). If the document requested to be identified is not presently in your possession or subject to your control, then identify: 1) Each person whom you have reason to believe had or has knowledge of its content; and, 2) Each person whom you have reason to believe received a copy thereof.
- (4) A **communication [as defined], meeting or transaction**, to state: the date and place of its occurrence; its substance; the means by which it was effectuated (e.g. by phone, in person, etc.); the identities [as

defined] of the person(s) involved and/or present; and, the identity [as defined] of each document [as defined] memorializing or in any way pertaining to it.

H. The word "or" is to be read in the conjunctive, rather than the disjunctive. In other words, when "or" appears in a Request, it should, whenever possible, be construed to have the same meaning as the word "and".

REQUEST NO. 1: Please produce a copy of all documents identified in your answers to interrogatories, or which you consulted in order to answer interrogatories.

REQUEST NO. 2: Please produce any and all documents you plan to use to illustrate the value of, or loss in value of, the real and personal property claimed to be damaged by flooding in 2007.

REQUEST NO. 3: Please produce any and all estimates, receipts, contracts and any other document identifying the damages which you claim for the cost of replacing or making any repairs to your property as a result of the flooding at issue.

REQUEST NO. 4: Please produce all documents to show your acquisition of the real and personal property at issue. This includes, but is not limited to, any documents that show the date on which the property was acquired, the date different parcels were acquired, if at different times, the amount paid for the parcel(s) of land, from whom it was acquired, the name and address of any closing company used, the name(s) and address(es) of any real estate agent used, how it was financed and through whom it was financed.

REQUEST NO. 5: Please produce all documents identifying ownership or changes of ownership in the real property at issue since the flood(s) of which you complain.

REQUEST NO. 6: Please produce all documents you plan to use to show the amount of damages you have suffered as a result of flooding at issue in this case.

REQUEST NO. 7: Please produce all documents reflecting claims you made for payment of benefits under any insurance policy covering flooding and/or other damage to your property.

REQUEST NO. 8: Please produce all documents reflecting claims made for the payment of benefits to any governmental entity covering flooding and/or other damage to your property.

REQUEST NO. 9: Please produce all documents evidencing liens, mortgages or other encumbrances against your property during the times you claim damages for each flood event.

REQUEST NO. 10: Please provide copies of all photographs concerning the flooding at issue in this case to your real and personal property.

REQUEST NO. 11: Please produce all policies of insurance which provided coverage for flood damage to your property.

REQUEST NO. 12: Please produce all estimates you obtained for the cost of repairing flood damages to your property.

REQUEST NO. 13: Please produce all surveys of the real property at issue.


REQUEST NO. 14: Please produce all Elevation Certificates concerning your real property at issue; including elevation certificates submitted to the Federal Emergency Management Agency ("FEMA").

REQUEST NO. 15: Please produce any diaries, journals or notes that have been kept regarding the allegations contained in the Petition.

REQUEST NO. 16: Please produce documents reflecting ad valorem and real property taxes paid for the five years preceding the flood(s) you are alleging damaged your property.

REQUEST NO. 19: Please produce all abstracts of title to your property.

FELDMAN, FRANDEN, WOODARD & FARRIS

By 

Joseph R. Farris, OBA # 2835
Belinda E. Aguilar, OBA # 20448
Williams Center Tower II
Two West 2nd Street, Suite 900
Tulsa, OK 74103
Tel: (918) 583-7129/Fax: (918) 584-3814

And

Gretchen Zumwalt- Smith, OBA# 11891
General Counsel
Grand River Dam Authority
P. O. Box 409
Vinita, OK 74301-0409
Tel: 918-256-5545

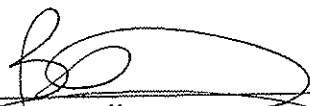
ATTORNEYS FOR GRAND RIVER DAM AUTHORITY

CERTIFICATE OF SERVICE

This is to certify that on the 9th day of December, 2009, a full, true and correct copy of the above and foregoing was served by U.S. Mail with proper postage prepaid thereon to:

N. Larry Bork, Esq.
Goodell, Stratton, Edmonds & Palmer
515 S. Kansas Avenue
Topeka, KS 66603

Scott R. Rowland, Esq.
Renee Demoss, Esq.
Gable & Gotwals
1100 ONEOK Plaza
100 W. 5th Street
Tulsa, OK 74103


Belinda E. Aguilar