

Industry News - AM

Tyson wins new trial as court reverses \$10 million verdict

By [Rita Jane Gabbett](#) on 3/7/2012

The Oklahoma Supreme Court Tuesday reversed a \$10 million jury verdict against the [Tyson Foods](#) in April 2010 and ruled the company is entitled to a new trial in a case brought by contract chicken producers in McCurtain County.

The case involves 54 individuals and business entities that sued Tyson Foods in association with contracts under which they were to raise chickens owned by Tyson on feed supplied by the company.

The plaintiffs did not allege any contractual breach, but asserted they had been targeted with poor quality birds and feed because they refused to upgrade their chicken houses from conventional to “cool cell” facilities.

A trial judge allowed 11 individuals and entities to proceed to trial under theories of violation of the Oklahoma Consumer Protection Act. The jury, in a nine to three split, awarded the growers compensatory and punitive damages approaching \$10 million. Alleging evidentiary errors and juror misconduct, Tyson filed a motion for a new trial.

The Oklahoma Supreme Court ruled that: “1) under the facts presented, where attorneys were advised that *voir dire* (legal phrase that refers to an oath to tell the truth) would be limited to questions not covered in the juror questionnaire and jurors gave incomplete, untruthful and/or misleading answers in those documents, the appellants are entitled to a new trial; and 2) a poultry grower having no title to the chickens or feed placed with the grower for fattening and future marketing of the birds by the flock’s wonder is not an ‘aggrieved consumer’ for the purposes of the Consumer Protection Act.”

### **Tyson statement**

“This decision affirms our position that the trial in this case was so improperly conducted that the verdict could not stand. The family farmers who raise our chickens are vital to our business and we want them to be successful. Contrary to the claims made in the case, we abide by the terms of the contracts we have with poultry farmers and we strive to ensure all of them are treated fairly.

“Tyson currently has contracts with more than 180 poultry farmers in southwest Arkansas and southeast Oklahoma to raise broiler chickens for our Broken Bow operation. More than 50 of them are in McCurtain County. Our Broken Bow plant and related operations, including a feed mill and hatchery, currently employ more than 1,700 people.”