

EXHIBIT 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF OKLAHOMA

3 Civil Action No. CIV-20-938 F

4 PLANT BASED FOODS ASSOCIATION and
5 TURTLE ISLAND FOODS SPC d/b/a THE
6 TOFURKY COMPANY,

7 Plaintiff,

8 -vs-

9 KEVIN STITT, in his official
10 capacity as Oklahoma Governor,
11 and BLAYNE ARTHUR, in her
12 official capacity as Oklahoma
13 Commissioner of Agriculture,

14 Defendants.
15 _____/

16 DEPOSITION OF
17 JANLEE ROWLETT
18 VIA REMOTE VIDEOCONFERENCE

19 Pages 1 through 100

20 Wednesday, April 5th, 2023
21 11:03 a.m. - 12:28 p.m.

22 Stenographically Reported By:
23 LORA LEE KNORR-FIERRO, RPR

1 **APPEARANCES:**

2 **On behalf of the Plaintiffs:**

3 **ANIMAL LEGAL DEFENSE FUND**
4 **525 East Cotati Avenue**
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6 **(707) 795-2533**
7 **BY: AMANDA HOWELL, ESQUIRE**
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11 **On behalf of the Defendants:**

12 **OFFICE OF ATTORNEY GENERAL**
13 **STATE OF OKLAHOMA**
14 **313 Northeast 21st Street**
15 **Oklahoma City, Oklahoma 73105**
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17 **BY: AUDREY A. WEAVER, ESQUIRE**
18 **KYLE PEPPLER, ESQUIRE**
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21 **On behalf of Defendants:**

22 **OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD AND FORESTRY**
23 **2800 North Lincoln Boulevard**
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BY: TEENA GUNTER, ESQUIRE
Teena.Gunter@ag.ok.gov

ALSO PRESENT:

Scott Yates

1 Thereupon,
2 the following proceedings began at 11:03 a.m.:

3 THE STENOGRAPHER: Raise your right hand,
4 please.

5 Do you solemnly swear the testimony you're
6 about to give in this matter will be the truth,
7 the whole truth and nothing but the truth so help
8 you God?

9 THE WITNESS: Yes, I do.

10 Thereupon,

11 JANLEE ROWLETT,
12 having been first duly sworn, was examined and testified
13 as follows:

14 DIRECT EXAMINATION

15 BY MS. HOWELL:

16 Q. Hi, JanLee. My name is Amanda Howell.
17 I'll be taking your deposition testimony today.

18 Could you please state your name for the
19 record.

20 A. JanLee Rowlett.

21 Q. Okay. And could you tell me your
22 educational background.

23 A. I have a bachelor's degree in animal
24 science from Oklahoma State University and a juris
25 doctorate from Washburn University School of Law.

1 said that this was a request by the Oklahoma Cattlemen's
2 Association as a follow up to the bill passed last year;
3 is that correct?

4 A. Yes.

5 Q. Okay. And, so, does that help refresh your
6 memory in terms of, like, who initially drafted this?

7 A. Yes, I know the Oklahoma Cattlemen's
8 Association kind led on the 2020 version, which was the
9 follow-up bill. I thought you were referring to the 2019
10 bill, and I don't remember who initially reached out to
11 us about interest in that. I believe it was either the
12 Cattlemen's Association or the Pork Council.

13 I had just gotten started. So I think some
14 of those conversations had happened previously to me
15 getting to the Department of Ago, but I think it was one
16 of those industry groups that initially was interested in
17 requesting that bill.

18 Q. Okay. Perfect. Thank you. I'll go ahead
19 and stop sharing. Thank you for the clarification.

20 All right. So can you help walk me through
21 what that looked like with coming -- you know, you said
22 the OCA brought in the 2020 version. So did that look --
23 how did they first approach you about the bill?

24 A. Initially there was discussion about this
25 in 2019, and a bill was proposed and passed, but then the

1 industry was interested in doing a follow up to that
2 bill, and that was the 2020 version. There were a few
3 things that they were interested in adding, and another
4 example of a change that they wanted to make was
5 originally this law was within Title 63, which is the
6 Health Department, and they wanted to move it to Title 2,
7 which would put it in the agriculture code. So there
8 were a few changes that they wanted to make.

9 Q. Okay. So you mentioned that they wanted to
10 add something. Do you know what they wanted to add?

11 A. I think there was a definition of pork
12 maybe that was added in that iteration, and there may
13 have been some other things, too. I don't remember off
14 the top of my head.

15 Q. Okay. I'll go ahead and pull up the text
16 of the law again so we can kind of compare it.

17 All right. So the relevant portion I'd
18 like to discuss is the one that says, "No person
19 advertising, offering for sale or selling meat shall
20 engage in any misleading or deceptive practices,
21 including, but not limited to the following," and 1
22 reads, in relevant part I should say, "Misrepresenting a
23 product as meat that is not derived from harvested
24 production livestock; provided, product packaging for
25 plant-based items shall not be considered in violation of

1 the provisions of this paragraph so long as the packaging
2 displays that the product is derived from plant-based
3 sources and type that is uniform in size and prominence
4 to name the product." Did I read that accurately?

5 A. Yes.

6 Q. Okay. And I don't think I marked that as
7 an exhibit, the previous law, but maybe this refreshes.
8 I do have it in front of me. So I apologize for that.

9 The 2019 bill reads exactly the same except
10 that it says, "In relevant part, plant-based items shall
11 not be considered to be in violation of the provisions of
12 this paragraph so long as the packaging displays that the
13 product is derived from plant-based sources," and then it
14 ends.

15 A. Okay.

16 Q. All right. So does that refresh your
17 memory on changes between the two laws?

18 A. Yes.

19 Q. Okay. So do you know where that addition
20 came from? And the addition that I'm referring to is
21 that last phrase and type that is uniform in size and
22 prominence to the name of the product.

23 A. I don't know specifically where that
24 originated from. I could speculate, but I don't know for
25 certain.

1 Q. I'll take your speculation.

2 A. I know there was discussion about bills
3 that would be considered in other states. So I wonder if
4 that language may have come from or been kind of inspired
5 by a bill that maybe was being considered around the same
6 time in another state, but I don't know that for certain.

7 Q. Okay. That's fine. I won't hold you to
8 that, but do you know if that would have come from the
9 Cattlemen's Association since they brought the 2020
10 version to you all?

11 A. Probably.

12 Q. Okay. And then the other addition that you
13 mentioned, definition of work, would that have come from
14 the Pork Council?

15 A. Yes.

16 Q. Okay. Perfect. Do you know why the OCA or
17 OPC -- and when I refer to that, that's the Oklahoma
18 Cattlemen's Association or Oklahoma Pork Council, just
19 for the record. Do you know why either the OCA or the
20 OPC wanted to change the jurisdiction from the Health
21 Department to the Ag Department?

22 A. I remember having that conversation, and
23 they realized that it was in Title 63. I think they had
24 been under the assumption that it was within the
25 Department of Ag's jurisdiction previously. I think they

1 just agreed that it fit better under the agriculture
2 code. So they wanted to move it to Title 2.

3 Q. Okay. Do you agree with that? I mean, is
4 that something you think it properly is within the
5 Department of Ag's jurisdiction?

6 MS. WEAVER: Objection, that calls for a
7 legal conclusion.

8 MS. HOWELL: Okay. Let me go ahead and
9 mark another exhibit. This will be, I think
10 Exhibit 6.

11 (Thereupon, Plaintiff's Exhibit Number 6
12 was marked for identification, which was retained
13 by Plaintiff's counsel.)

14 BY MS. HOWELL:

15 Q. All right. Can you read the to and from on
16 this email, JanLee?

17 A. Yes, from JanLee.rowlett@ag.ok.gov to
18 Michael Kelsey with Michael Bergstrom and Taylor
19 Shackelford carbon copied.

20 Q. Okay. And, just for the record, could you
21 tell me who those other folks are?

22 A. Michael Bergstrom is a senator, a state
23 senator. Taylor Shackelford was on staff of the Oklahoma
24 Cattlemen's Association.

25 Q. Okay. And Michael Kelsey is the Executive

1 Director of the Cattlemen's Association?

2 A. Yes.

3 Q. Okay. And could you read the second
4 sentence of your email to Senator Bergstrom?

5 A. "We were supportive of moving authority to
6 ODAFF, and this type of regulation is so closely tied to
7 our existing programs."

8 Q. Okay. So I guess back to my previous
9 question, is that a reason that you think that the law is
10 best suited under ODAFF as opposed to the Department of
11 Health?

12 MS. WEAVER: I'm going to object, calls for
13 a legal conclusion, and it calls for speculation
14 as to what's best.

15 MS. HOWELL: You can go ahead and answer.

16 THE WITNESS: Yes, this would have been our
17 position as an agency on moving the bill or moving
18 to the Act to Title 2.

19 BY MS. HOWELL:

20 Q. Okay. Could you help me understand what
21 you meant by "so closely tied to our existing program?"

22 A. I think because we do regulation of food
23 products that are derived from -- that would have been
24 derived from plant or initially livestock I guess and are
25 marketed as, you know, something that's comparable to a

1 meat product that they would have been closely related to
2 things that we regulate.

3 Q. Okay. Perfect. And I think we can avoid
4 an exhibit if you refresh me on your testimony, JanLee.
5 Was it your understanding that OCA wanted to move the law
6 from the Department of Health to the Department of Ag; is
7 that correct?

8 A. Yes. Yes.

9 Q. Perfect. Okay. So can you tell me the
10 purpose of the law?

11 MS. WEAVER: I'm going to object that that
12 calls for a legal confusion.

13 MR. HOWELL: Go ahead. You can answer.

14 THE WITNESS: I can't say what the intent
15 of the legislature was in passing this law.

16 BY MS. HOWELL:

17 Q. Okay. And can you speak to the intent of
18 the OCA or Pork Council in bringing the law to you?

19 MS. WEAVER: I'm going to object that that
20 calls for speculation.

21 THE WITNESS: No, I can't.

22 BY MS. HOWELL:

23 Q. All right. So did you discuss with the OCA
24 or OPC why the law is necessary?

25 A. I don't remember specific conversations
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1 about that. I think there was a general understanding
2 that they just wanted people to know what they were
3 purchasing, whether it was a product that one of their
4 producers may have produced or if it were from a
5 different source.

6 Q. Okay. What do you mean by a different
7 source?

8 A. If it was a plant-based or a cell-cultured
9 product, they would want people to know the difference.

10 Q. Okay. So is it fair to say that they were
11 concerned about consumer confusion or consumers confusing
12 their products for plant-based products or cell-cultured
13 products?

14 MS. WEAVER: Objection, calls for
15 speculation.

16 THE WITNESS: I can answer?

17 MS. HOWELL: Yeah.

18 THE WITNESS: I think so, yes. I think so.

19 BY MS. HOWELL:

20 Q. Okay. We can pull up the law again if that
21 helps you kind of frame your testimony if you want. Just
22 let me know.

23 Can you tell me what type of behavior the
24 law is defined to prohibit?

25 MS. WEAVER: Objection, calls for a legal
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1 conclusion and speculation.

2 THE WITNESS: I know that it's related to
3 labeling of these products and has specifics about
4 labeling requirements.

5 BY MS. HOWELL:

6 Q. So after you joined in 2019, did the
7 Department provide input to the Cattlemen's Association
8 or Pork Council on the language of the law?

9 A. Yes.

10 Q. Okay. Do you know if they did that before
11 you joined as well, the 2019 law?

12 A. I don't know if did before I got here.

13 Q. Okay. And if they did, who would that have
14 been at the Department or was that your predecessor?

15 A. It could been have my predecessor. They
16 may have also reached out to our general counsel.

17 Q. Okay. Do you know why the Department was
18 consulted, why the Cattlemen's Association and Pork
19 Council wanted to consult with the Department about the
20 language of the law?

21 A. That happens commonly with other groups as
22 well that they have a request bill or want input. Our
23 staff had a lot of institutional knowledge on Title 2 and
24 have, over the years, helped draft various things that
25 may have been a request of our agency or others that had

1 a change that they consulted with us on before, and we're
2 always happy to work with them if we can and be helpful,
3 and sometimes that looks like drafting language.

4 Q. Okay. So it's not uncommon for groups to
5 bring language to you or ask you for input on language,
6 and you guys provide input. Is that input kind of like
7 line edits or discussions? What does that look like?

8 MS. WEAVER: Objection, that's a compound
9 question.

10 MS. HOWELL: Sorry. That's good. I should
11 actually clarify, but I do want to interrupt here.

12 BY MS. HOWELL:

13 Q. Do you know if the input involved just
14 general discussions?

15 A. Yes, it would have.

16 Q. Did it also include, like, line edits to
17 the draft of the law?

18 A. Probably, yes.

19 Q. And, generally speaking, when -- you know,
20 you said this type of thing is common. Is it also common
21 for the Department to liaise with the legislators on
22 behalf of legislation that was draft legislation that the
23 Department helped work up?

24 A. Yes.

25 Q. Okay. And that also happened here?

CERTIFICATE OF OATH

THE STATE OF FLORIDA)

COUNTY OF DUVAL)

I, the undersigned authority, certify that
JANLEE ROWLETT personally appeared before me via remote
videoconference and was duly sworn on the 5th day of
April, 2023.

Signed this 13th day of April, 2023.



LORA LEE KNORR-FIERRO, RPR
Notary Public - State of Florida
My Commission No. HH370466
My Commission Expires: 04/30/2027

CERTIFICATE OF REPORTER

THE STATE OF FLORIDA)

COUNTY OF DUVAL)

I, LORA LEE KNORR-FIERRO, Registered Professional Reporter, certify that I was authorized to and did stenographically report the deposition of JANLEE ROWLETT, pages 1 through 96; that a review of the transcript was requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 13th day of April, 2023.

Lora Lee Knorr

LORA LEE KNORR-FIERRO, RPR