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FROM: John H. Tatlock

SENDER'S DIRECT DIAL NO.: (303) 291-3034

DATE: July 8, 1993

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MESSAGE FROM XEROX 7024: (702) 385-1655

DATE: July 8, 1993

TO: John Tatlock, Esq.

FAX #: (303) 291-3334

PHONE #: (303) 291-3000

FROM: Paul E. Merrell, Esq.

CLIENT/MATTER: Nevada Power v. Monsanto, et al.

CLIENT/MATTER NO.: 11927.2

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DRAFT

STIPULATION

IT IS HEREBY STIPULATED by and between Plaintiff Nevada Power Company ("Nevada Power") and defendant Monsanto Company ("Monsanto"), for purposes of the pending action only and to obviate the need for taking Nevada Power's noticed Rule 30(b)(6) deposition regarding Monsanto's market share of dielectric fluids containing PCBs and its sales of such fluids to suppliers of transformers and capacitors other than defendants Westinghouse Electric Corporation ("Westinghouse") and General Electric Company ("GE"), that:

A. Monsanto

1. At all times relevant to this lawsuit and prior to 1977 manufactured dielectric fluids containing polychlorinated biphenyls ("PCBs");
2. Supplied said dielectric fluids containing PCBs to domestic manufacturers of transformers and capacitors ("Domestic Manufacturers") which in turn supplied transformers and capacitors to electric utilities in the United States;
3. Was the sole supplier of dielectric fluids containing PCBs to Domestic Manufacturers which in turn supplied transformers and capacitors to electric utilities in the United States; and
4. Was the sole supplier of PCBs contained in all transformers and capacitors that were domestically manufactured or filled and for which Nevada Power is seeking damages, including not only the

transformers and capacitors manufactured or supplied by defendants Westinghouse and GE, but also the transformers and capacitors manufactured by all other Domestic Manufacturers.

- B. This stipulation is entered into by Monsanto without prejudice to its right to object to use of the stipulation at trial on grounds of relevance or materiality.
- C. Because of this stipulation, Nevada Power no longer needs and will not proceed with its noticed Rule 30(b)(6) deposition regarding Monsanto's share of the PCB market and its sales of products containing PCBs to other companies.

MEMORANDUM

TO: Paul Merrell, File
FROM: Roberta Straub (R)
RE: Deponent Jim Zorne
DATE: July 8, 1993

I just spoke with Sue Fogelboch at Nevada Power about Jim Zorne, noticed for deposition next Friday, July 16, 1993.

Mr. Zorne underwent brain surgery in 1988 to remove a tumor. As a result of that surgery, he now suffers long-term memory losses and severe panic attacks, among other things. Upon receiving the notice of subpoena, he suffered a severe panic attack. This gentleman is simply unable to sit through a deposition without suffering from severe medical complications.

At present, Sue is working with his doctor's office to get an statement written and an affidavit ready for signing tomorrow. She would also like for us to try to work with the defendants so that we do not have to move for a protective order on Mr. Zorne.