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REPLY TO LAS VEGAS

*Correspondence file
NV Power v.
Monsanto et al*

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February 10, 1992

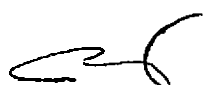
Charles H. McCrea, Esq.
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300 S. Fourth Street, Suite 700
Las Vegas, Nevada 89101

Dear Chuck:

Enclosed please find language I recommend for an offensive offer of judgment in a diversity case. Hopefully, you will be able to use it in the Nevada Power litigation.

In the event you have any questions or concerns, please call.

Sincerely yours,


Robert D. Martin

RDM:dld
Enclosure

(2) (1)

COMES NOW, Plaintiff _____, by and through its counsel of record, and hereby offers to take judgment in the amount of \$ _____, inclusive of fees and costs incurred to date. This offer is made and based upon FRCP 68, NRCF 68, NRS 17.115, Walker v. Armco Steel Corp., 446 U.S. 740 (1982); and Datapoint Corp. v. M & I Bank of Hilldale, 665 F.Supp. 722 (W.D. Wis. 1987). This offer shall remain open for a period of ten (10) days after service.