

MEMORANDUM

TO: J. R. JONES, D. COHEN, K. BALLARD
VIA FAX TO D. MCCREA, B. SNYDER, P. MERRELL

FROM: CHUCK MCCREA *CM*

RE: CONVERSATION WITH MASTER CALENDAR CLERK, DISTRICT COURT

DATE: May 19, 1992

Preston Bluiett, the Master Calendar Clerk of the Federal District Court, called this afternoon. He said he had in hand the 9th Circuit's Mandate dated May 6 remanding Nevada Power v. Monsanto to the District Court and the District Court's Order on Mandate dated May 14 (copies of both enclosed), and asked what he was supposed to do with them. The question took me aback, but after a little conversation I learned that he didn't know about the 9th Circuit's decision that resulted in the Mandate. I referred him to the decision, pointing out that it affirmed in part and reversed in part the court's 1989 order granting defendants' motion for summary judgment, and said that we would soon make some filings with the court, consistent with the 9th Circuit's decision, that would move the case forward. He said that was all he needed to know and that he would set the case for trial. Randall said this probably means a trial date five to six months from now.

Notice from the district court of the trial setting should turn the heat up on the defendants. Each of our planned filings will turn it up a little more.

JUDGMENT

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NO. 90-16179
CT/AG#: CV-89-00555-LDG

NEVADA POWER CO., a Nevada Corporation

Plaintiff - Appellant

v.

MONSANTO COMPANY, a foreign corporation; GENERAL ELECTRIC
CO, a foreign corporation; WESTINGHOUSE ELECTRIC
CORPORATION, a foreign corporation; and DOES I through XXV,
inclusive

Defendants - Appellees

APPEAL FROM the United States District Court for the
District of Nevada (Las Vegas) .

THIS CAUSE came on to be heard on the Transcript of the
Record from the United States District Court for the
District of Nevada (Las Vegas) and was duly submitted.

U.S. DISTRICT COURT
DISTRICT OF NEVADA
FILED

MAY 13 1992

CAROL C. FITZGERALD, CLERK
BY *[Signature]* DEPUTY

ON CONSIDERATION WHEREOF, It is now here ordered and
adjudged by this Court, that the _____ judgment of the said
District Court in this cause be, and hereby is affirmed in part,
reversed in part, and remanded.

Filed and entered February 05, 1992

A TRUE COPY
CATHY A. CATTERSON
Clerk of Court
ATTEST

MAY 06 1992

by: *Cathy A. Catterson*
Deputy Clerk

RECEIVED
MAR 11 1992

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

NEVADA POWER CO., a Nevada
Corporation,

Plaintiff - Appellant,

vs

MONSANTO COMPANY, a foreign corpora-
tion; GENERAL ELECTRIC CO., a foreign
corporation; WESTINGHOUSE ELECTRIC
CORPORATION, a foreign corporation;
and DOES I through XXV, inclusive,

Defendants - Appellees,

CV-S-89-555-LDG(LRL)
Case Number

ORDER ON MANDATE

The above-entitled cause having been before the United States
Court of Appeals for the Ninth Circuit, and the Court of Appeals
having on February 5, 1992 issued its mandate
affirming in part and reversing in part the District Court Judgment, and
the Court being fully advised in the premises, NOW, THEREFORE, IT IS

ORDERED that the mandate be spread upon the records of this
Court.

IT IS FURTHER ORDERED the District Court Judgment be
remanded

Dated this 14 day of May, 1992.

W. H. Long
UNITED STATES DISTRICT JUDGE

TRANSACTION REPORT

P. 1

MAY-19-92 TUE 16:44

SERIAL B' CAST

#	DATE	S. T.	NAME	TIME	PGS	NOTE	DP
01	MAY-19	16:30	14084431174	2' 48"	5	SERIAL OK	
02		16:43	18123325307	0"	0	SERIAL BUSY	
03		16:34	18165254879	2' 49"	5	SERIAL OK	
TOTAL				5M38S	10		

TRANSACTION REPORT

MAY-20-92 WED 6:53

SEND

#	DATE	S. T.	NAME	TIME	PGS	NOTE	DP
01	MAY-20	6:50	18123365307	3' 17"	5	OK	

JONES, JONES, CLOSE & BROWN, CHARTERED
Seventh Floor — Valley Bank Plaza
300 South Fourth Street
Las Vegas, Nevada 89101-6026
(702) 385-4202

MESSAGE FROM PANAFAX UF-250: (702) 384-2276

DATE: May 18, 1992

TO: Bill Smith

FAX #: 406-443-1174

PHONE #: _____

TO: David M. Price

FAX #: 812-336-5317

PHONE #: _____

Please
Check
number

TO: Paul Merrill

FAX #: 615-525-4679

PHONE #: _____

FROM: Charles M. Price

CLIENT/MATTER: Boyle v. Price / Merrill

CLIENT/MATTER NO.: 11927.2

NUMBER OF PAGES (including cover page): 6

MESSAGE: _____

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