

MEMORANDUM

TO: Paul Merrell
FROM: Roberta
RE: Telephone call 7/16/93 with R. Shaughnessy
DATE: July 16, 1993

As per the telephone call between David Schalk, Robert Shaughnessy and yourself, these are the results:

TODAY

You are to write a letter to Shaughnessy today to let him know the time for the telephone conference with Judge Leavitt on Monday, July 19, 1993. My guess is you will also want to reiterate the reasons for the conference. Shall I call the Magistrate's chambers to arrange a time?

TOMORROW

Tomorrow, Shaughnessy and Kuney will place a call to you to discuss this before the telephone conference with Leavitt to see if it can be straightened out without going to him.

ISSUES

Shaughnessy stated that he told David that GE documents were coming in for the deposition this week, and David instructed him to send them here. Those documents arrived without adequate indexing, and well after David left for Connecticut. There is an issue as to whether GE produced these documents to Nevada Power at any other time.

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There is a stipulation on the record that we will be able to finish taking Dr. Brown's deposition after July 23, 1993. Shaughnessy stated that we have Brown's studies. I am looking into this.

You asked that we be able to recall Biernacki as a witness on hazards, because he was not prepared. We also want the documents which he reviewed before his deposition to be produced. Shaughnessy stated that Biernacki was prepared to testify to only what GE knew, not what 3rd parties told GE about PCBs.

We also want more deposition time for document retention policies at the Pittsfield facility and the Rome, GA facility. The depositions on those subjects were not satisfactory.

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