

To: Charles McCrea

MCCREA & MCCREA

ATTORNEYS AT LAW

119 SOUTH WALNUT STREET

P.O. BOX 1310

BLOOMINGTON, INDIANA

47402-1310

TELEPHONE 812 336-4040

TELECOPIER 812 336-9307

DAVID S. MCCREA

EDWARD F. MCCREA

ROBERT F. MCCREA

1915-1976

ELLEN A. LLOYD

1925-1991

March 24, 1992

- Draft -

Mr. Thomas C. Kotoske
540 University Avenue
Palo Alto, California 94301

Dear Tom:

(have successfully prosecuted)

I am proud of the team effort by the attorneys who are prosecuting the Nevada Power case. You have no interest in the litigation, You abandoned the case. ;

Your telephone communications with John Thorndal and letter to him dated March 18, 1992 are without purpose, unprofessional, disruptive and just plain crude. You intruded into an area where you do not belong.

You are instructed to terminate all communications with the attorneys for the defendants in the Nevada Power case. There is nothing that Monsanto, General Electric and Westinghouse can do to make your situation "less painless".

(Communication with defendants' counsel, if continued)
Your letter to John Thorndal is pure and simple harassment and will immediately be brought to the court's attention if you continue.

unauthorized
and disruptive

of the court.

Sincerely yours,

MCCREA & MCCREA

David S. McCrea

DSMc:rb

The team does not include you because you quit.
A You never were party to any agreement with Nevada Power or with Jones, Jones, Close & Brown, Chetel, the attorneys that do have an agreement with Nevada Power. You therefore have no basis on which to establish any lien.
Moreover,

David S. McCrea

TELECOPIER 812/336-5307

David: Because our correspondence with Kotoske may one day wind up before a judge, we'd better keep our sense of personal outrage in check and use the utmost restraint in our letters to him. I don't disagree with a thing you said in your March 24 draft, but for the reasons specified in the preceding sentence, I suggest the following revisions.

Dear Tom:

I am proud of the team effort made by the attorneys who have prosecuted the Nevada Power case to a favorable decision in the 9th Circuit Court of Appeals. The team does not include you. Whatever your reasons, you quit the team, and given your tyrannical attitude and your insulting, rude and contemptuous conduct toward those of us who fought this case, you won't be invited to rejoin.

You never were party to any agreement with either Nevada Power or Jones, Jones, Close & Brown, Chtd., the law firm which has the representation agreement with Nevada Power. You therefore have no basis to claim a direct interest in or assert a lien on any judgment or settlement this case may produce, and your misrepresentations to the contrary will not go unanswered.

Your telephone communications with John Thorndal and letter to him dated March 18, 1992 are unauthorized, unprofessional, disruptive and potentially prejudicial to the best interests of Nevada Power and its counsel. If we learn of any further such communications, or if you persist in interfering with our representation of Nevada Power in any other way, we will bring the matter to the attention of the court.

CHM\NEVPOWER\KOTOSKE.LTR