

BRADLEY & MERRELL
c/o JONES, JONES, CLOSE & BROWN, CHARTERED
Seventh Floor — Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101-6026
(702) 385-4202

MESSAGE FROM XEROX 7024: (702) 385-1655

DATE: July 9, 1993

TO: Peggy A. Leen, Esq.

FAX #: (702) 366-0327

PHONE #: (702) 366-0622

FROM: Paul E. Merrell, Esq.

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

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION: Subpoena Duces Tecum; Plaintiff Nevada Power Company's March 12, 1993 Notice of Taking Deposition of Defendant Westinghouse Electric Corporation Pursuant to FRCP 30(b)(6)

NUMBER OF PAGES (including cover page): Nineteen (19)

MESSAGE:

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**IF YOU EXPERIENCE PROBLEMS WITH THIS TRANSMISSION,
please call (702) 385-4202 and ask for: Randy Andreini, Ext. 615**

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MESSAGE FROM XEROX 7024: (702) 385-1855

DATE: July 9, 1993

TO: Peggy A. Lean, Esq.

FAX #: (702) 386-0327

PHONE #: (702) 386-0622

FROM: Paul E. Merrell, Esq.

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TRANSMISSION REPORT

THIS DOCUMENT WAS CONFIRMED
(REDUCED SAMPLE ABOVE - SEE DETAILS BELOW)

**** COUNT ****

TOTAL PAGES SCANNED : 19

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*** SEND ***

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TOTAL 0:06'40" 19

NOTE:

No. : OPERATION NUMBER 48 : 4800BPS SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
PD : POLLED BY REMOTE SF : STORE & FORWARD RI : RELAY INITIATE RS : RELAY STATION
MB : SEND TO MAILBOX PG : POLLING A REMOTE MP : MULTI-POLLING RM : RECEIVE TO MEMORY

United States District Court

WESTERN DISTRICT, DISTRICT OF PENNSYLVANIA

RE UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

NEVADA POWER COMPANY, a Nevada corporation,
MONSANTO COMPANY, a foreign corporation;
GENERAL ELECTRIC COMPANY, a foreign corporation,
WESTINGHOUSE ELECTRIC CORPORATION, a foreign
corporation; and DOES I-XXV, inclusive

SUBPOENA IN A CIVIL CASE

DUCES TECUM

CASE NUMBER: CV-S-89-555-LDG (LRL)

TO: Westinghouse Electric Corporation
11 Stanwix Street
Pittsburgh, Pennsylvania

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION 11 Stanwix Street Pittsburgh, Pennsylvania	DATE AND TIME March 18, 1993 8:30 a.m.
--	--

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Exhibit "A" and Plaintiff's Exhibit 1212 attached hereto

PLACE 11 Stanwix Street Pittsburgh, Pennsylvania	DATE AND TIME March 18, 1993 8:30 a.m.
--	--

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
RALPH A. BRADLEY; PAUL E. MERRELL; Attorneys for Plaintiff	March 12, 1993

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
BRADLEY & MERRELL, c/o JONES, JONES, CLOSE & BROWN, CHTD.
300 SOUTH FOURTH STREET, SUITE 700, LAS VEGAS, NEVADA 89101

1 J. RANDALL JONES, ESQ.
CHARLES H. McCREA, SR., ESQ.
2 DOUGLAS M. COHEN, ESQ.
JONES, JONES, CLOSE
3 & BROWN, CHARTERED
700 Bank of America Plaza
4 300 South Fourth Street
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5 Telephone: (702) 385-4202

6 RALPH A. BRADLEY, ESQ.
PAUL E. MERRELL, ESQ.
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c/o JONES, JONES, CLOSE
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9 300 South Fourth Street
Las Vegas, Nevada 89101-6026
10 Telephone: (702) 385-4202

11 Attorneys for Plaintiff
NEVADA POWER COMPANY
12 a Nevada corporation

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15	NEVADA POWER COMPANY, etc.,	)	CASE CV-S-89-555-LDG (LR
16		)	
16	Plaintiff,	)	PLAINTIFF NEVADA POWER
17		)	COMPANY'S MARCH 12, 1993
17	vs.	)	NOTICE OF TAKING
18		)	DEPOSITION OF DEFENDANT
18	MONSANTO COMPANY, etc., et al.,	)	WESTINGHOUSE ELECTRIC
19		)	CORPORATION PURSUANT TO
19	Defendants.	)	FRCP 30 (b) (6)

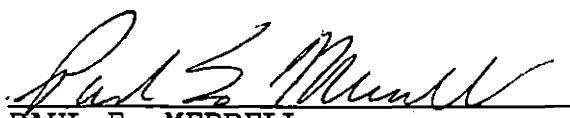
20
21 TO DEFENDANTS MONSANTO COMPANY, a foreign corporation; GENER
22 ELECTRIC COMPANY, a foreign corporation; WESTINGHOUSE ELECTRIC
23 CORPORATION, a foreign corporation; and to their attorneys of
24 reecord herein:

25 PLEASE TAKE NOTICE that, pursuant to Rule 30 (b) (6) of the
26 Federal Rules of Civil Procedure, counsel for plaintiff Nevada
27 Power Company will take the deposition of defendant Westinghouse
28 Electric Corporation as described in Attachment "A" hereto at 8:3

a.m. on March 18, 1993, at the Westinghouse corporate offices located at 11 Stanwix Street, Pittsburgh, Pennsylvania. The deposition will be taken upon oral examination before a Notary Public or before some other officer authorized by law to administer oaths until completed. You are invited to attend and cross-examine.

DATED: March 12, 1993

BRADLEY & MERRELL
RALPH A. BRADLEY
PAUL E. MERRELL

By: 
PAUL E. MERRELL
BRADLEY & MERRELL
c/o JONES, JONES, CLOSE & BRO
300 South Fourth St., Suite 7
Las Vegas, Nevada 89101
(702) 385-4202

Attorneys for Plaintiff
NEVADA POWER COMPANY, a Nevada corporation

Other Counsel for
Plaintiff Nevada Power Company:

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RUSSELL WILLS BUDD, ESQ.
JANE N. SAGINAW, ESQ.
BRIAN D. WEINSTEIN, ESQ.
PAUL F. DONSBACH, ESQ.
BARON & BUDD
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219
Telephone: (214) 521-3605

ATTACHMENT "A"

Produce the person or persons most knowledgeable about:

1. The location, content, and subject matter of each and every document or other thing described in Exhibit "A" to the Subpoena Duces Tecum attached hereto.

2. The origin, design, development, and implementation of the project of file reviewing/inventory and formulation of recommendations for record retention and destruction described in the attached copy of Plaintiff's Exhibit 1212.

3. Westinghouse's present possession, custody, or control of each and every record described in pages one through seven of the attached copy of Exhibit 1212.

4. The circumstances of and authorization for destruction or removal for each and every record described in pages one through seven of the attached copy of Exhibit 1212 that is no longer in Westinghouse's possession, custody, or control.

5. Westinghouse's search(es) for documents responsive to all prior Nevada Power Company requests for production of documents and/or any interrogatory responses wherein Westinghouse elected to specify documents from which answers could be determined rather than answering with sworn statements. The person(s) designated must be able to address specifically the identification of records responsive to those discovery requests that have been destroyed, discarded, or otherwise removed from the possession, custody, or control of Westinghouse, as well as the circumstances of and authorization for such destruction, discarding, or other method of removal from Westinghouse's possession, custody, or control.

6. The identities, present employer, and last known address of any and all persons with knowledge of 1 through 4 above.

7. Any and all documents pertaining or relating to 1 through 4 above.

8. The identity and duties of the person described as "you" on page 22 of Exhibit 1212.

EXHIBIT "A"

DEFINITIONS

1. "Documents" has the same meaning as "documents or other things," as defined under Fed.R.Civ.P. 34.

2. "PCB" means any or all congener(s), homologue(s), or isomer(s) of the mono- or poly-chlorinated class of planar or co-planar biphenyls, including without limitation any or all contaminants, degradates, metabolites, pyrolytic byproducts, or any component of the wastes from the manufacturing, use, transportation, or disposal thereof.

3. "Dioxin" means any or all congener(s), homologue(s), or isomer(s) of the mono- or poly-chlorinated class of dibenzo-p-dioxins.

4. "Furan" means any or all congener(s), homologue(s), or isomer(s) of the mono- or poly-chlorinated class of dibenzofurans.

5. "Produce" means to produce any and all original(s) and any and all non-identical copies of the same document(s) described in its(their) most complete form, including without limitation any and all surviving portions thereof, and including any and all annexes, appendices, tabs, exhibits, indices, cover sheets, transmittal letters, or other documents found attached to or in the same file with the same document or documents, including without limitation whenever available the file identification and identification of the system of records in which each document and any and all copies are found.

6. "Exhibit 1212" means the final, executed draft of the copy designated as Nevada Power Company's Exhibit 1212, attached hereto, except where reference is specifically made to "the attached copy of Exhibit 1212," in which instances it shall mean the specific document attached to this Exhibit "A." If the final, executed draft never existed or no longer exists, then the term "Exhibit 1212" shall refer to the latest draft identifiable as such.

7. "Copy" or "copies" mean any and all reproductions of any portion of the same document(s) described.

8. "Draft" or "drafts" mean any and all versions of the same document(s) described, whether prepared earlier or later than the same document(s) described.

INSTRUCTIONS

1. Produce the executed original and all copies executed in the original of any draft of Plaintiff Nevada Power Company's Exhibit 1212, attached hereto. If you can not locate an executed original or copy, produce the document in unexecuted form.
2. Produce all non-identical copies of the original and all drafts of Exhibit 1212, whether the drafts were generated before or after the attached copy of Exhibit 1212.
3. Produce any and all documents in which Exhibit 1212 or any draft thereof is responded to, referred to, discussed, referenced, or in any other way identified.
4. Produce any and all all indices of documents in which Exhibit 1212 is identified.
5. Produce any and all databases in which Exhibit 1212 is identified.
6. Produce any and all documents instructing, suggesting, or otherwise initiating the preparation of Exhibit 1212, and any and all responses thereto.
7. Produce any and all documents instructing, suggesting, or otherwise addressing the scope or duration of the project of file reviewing/inventory and formulation of recommendations for record retention and destruction described in Exhibit 1212, as well as all records and work product of the project itself, specifically including but not limited to the recommendations made in Exhibit 1212 itself, but also any follow-on projects such as those recommended at page 22 of the attached copy of Exhibit 1212 as follows: "Consequently, well reasoned and conceived document retention and destruction programs for departments such as Industrial Hygiene, and in fact the entire Corporation, are imperative."
8. Produce any and all documents that identify any or all addressees or recipients at any time of Exhibit 1212 or any and all copies thereof.
9. Produce any and all documents prepared as a part of or in conjunction with the "review and inventory of the files" referred to on line two of page one of the attached copy of Exhibit 1212.
10. Produce all records of the "legal research" referred to at page twelve of the attached copy of Exhibit 1212.

11. Produce the then most current complaint and answer in each lawsuit identified as pending on line one of page twelve of the attached copy of Exhibit 1212.

12. Produce all documents evaluating "what are the chances of litigation," as stated on page 12 of the attached copy of Exhibit 1212.

13. Produce all documents evaluating "which party would have the burden of proof," as stated on page 12 of the attached copy of Exhibit 1212.

14. Produce all documents evaluating "when does the statute of limitations run," as stated on page 12 of the attached copy of Exhibit 1212.

15. Produce all documents evaluating "what records is the Corporation required to maintain pursuant to law," as stated on page 12 of the attached copy of Exhibit 1212.

16. Produce all documents evaluating whether "the Westinghouse records retention guidelines cover any or all of the records," as stated on page 12 of the attached copy of Exhibit 1212.

17. Produce the "Westinghouse records retention guidelines" referred to on page twelve of the attached copy of Exhibit 1212.

18. Produce any and all Westinghouse records retention guidelines issued or other documents generated after Exhibit 1212 was generated that contained guidance, instructions, or recommendations affecting or which was intended to affect the retention of any records described in pages one through seven of the attached copy of Exhibit 1212.

19. Produce any and all documents recommending, deciding, or questioning whether to implement the guidelines or other guidance, instructions, or recommendations described in category 18 above.

20. Produce any and all documents recommending, suggesting, deciding, instructing, or questioning whether any or all of the recommendations made in Exhibit 1212, or any draft thereof, be: [i] implemented as recommended; [ii] not be implemented as recommended; or [iii] be implemented or not implemented in altered form.

21. Produce any and all documents describing actions taken to implement any or all recommendations made in Exhibit 12, whether such recommendations were implemented in altered form or not.

22. Produce any and all documents from the official record of any court or administrative proceeding that refer to or discuss Exhibit 1212, including any transcripts of proceedings or depositions.

23. Produce any and all discovery requests or responses referring to or discussing Exhibit 1212.

24. Produce all documents containing statements in a public forum attributed to Westinghouse officials, spokespersons, agents, or attorneys referring to or discussing Exhibit 1212.

25. For each and every document included in the systems of records reviewed and inventoried as described in pages one through seven of the attached copy of Exhibit 1212 that is no longer in the possession, custody, or control of Westinghouse, produce each and every document discussing, recommending, or authorizing its destruction, disposal, or removal from Westinghouse's possession, custody, or control.

26. Produce any and all documents discussing, examining, or reporting on investigations into whether any or all documents included in the system of records reviewed and inventoried as described in pages one through seven of the attached copy of Exhibit 1212 were destroyed, disposed of, or otherwise removed from Westinghouse's possession, custody, or control after Exhibit 1212 was generated.

27. Produce any and all indices, inventories, or other records of documents contained in the systems of records described in pages one through seven of the attached copy of Exhibit 1212 at the time Exhibit 1212 was generated.

28. Produce any and all indices, inventories, or other records of documents presently contained in the same systems of records described in pages one through seven of the attached copy of Exhibit 1212.

29. Produce the personnel files of Jeffrey Bair and C. W. Bickerstaff.

30. Produce any and all job descriptions that have described the duties of Jeffrey Bair and C. W. Bickerstaff while employed by Westinghouse.

27. Produce any and all documents containing, discussing, or referring to recommendations of Jeffrey Bair or C. W. Bickerstaff that Westinghouse records be destroyed, disposed of, or otherwise be removed from the possession, custody, or control of Westinghouse.

31. Produce any and all documents containing, discussing, or referring to decisions on whether to implement recommendations of Jeffrey Bair or C. W. Bickerstaff that Westinghouse records be destroyed, disposed of, or otherwise be removed from the possession, custody, or control of Westinghouse.

32. Produce any and all records of commendations, rewards, bonuses, or other recognition by Westinghouse of work performed by Jeffrey Bair or C. W. Bickerstaff.

33. Produce any and all documents recording in any way the substance of any and all discussions of the recommendations contained in Exhibit 1212 "with you at your convenience" referred to at page 22 of the attached copy of Exhibit 1212.

34. Produce the personnel file of the person referred to as "you" on the next to the last line of the text on page 22 of the attached copy of Exhibit 1212.

35. Produce all documents recording, discussing, or referring to decisions to authorize destruction, disposal, or other removal of records from the possession, custody, or control of Westinghouse made by the person referred to as "you" on the next to the last line of the text on page 22 of the attached copy of Exhibit 1212, as well as all documents recommending or otherwise discussing the same decisions.

36. Produce any and all records of reports or complaints to Bar disciplinary authorities discussing or otherwise referring to any draft of Exhibit 1212.

37. Produce any and all documents discussing or referring to PCBs, dioxins, or furans contained in the systems of records described in pages one through seven of the attached copy of Exhibit 1212.

38. Produce any and all documents authorizing or instructing the destruction, disposal, or other method of removing records from the possession, custody, or control of Westinghouse that have affected Westinghouse's retention of records mentioning or otherwise referring to PCBs, dioxins, or furans, as well as any and all documents containing recommendations for such authorization or instruction or in any other way referring to such authorization or instruction.

39. Produce any and all documents in Westinghouse files maintained or supervised by Jeffrey Bair or C. W. Bickerstaff at any time mentioning or otherwise referring to PCBs, dioxins, or furans.

40. Produce any and all records of communications between attorneys representing Jeffrey Bair or C. W. Bickerstaff

in their personal capacities in regard to Exhibit 1212 and Westinghouse.

P:\USERS\HCD\DIS\EXH.A

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of March, 1993, the foregoing PLAINTIFF NEVADA POWER COMPANY'S MARCH 12, 1993 NOTICE TAKING DEPOSITION OF DEFENDANT WESTINGHOUSE ELECTRIC CORPORATION PURSUANT TO FRCP RULE 30 (b) (6) was served on the following parties:

KEY:

F - Via fax
FE - Via Federal Express
H - Via hand delivery

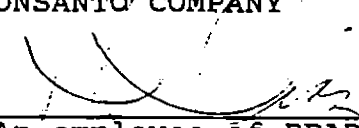
F Steven R. Kuney, Esq.
Williams & Connolly
725 12th Street, N.W.
Washington, DC 20005
Fax No.: (202) 434-5029
Attorneys for Defendants MONSANTO COMPANY, GENERAL
ELECTRIC COMPANY and WESTINGHOUSE ELECTRIC CORPORATION

F Arvin Maskin, Esq.
Konrad L. Cailteux, Esq.
Weil, Gotshal & Manges
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New York, NY 10153
Fax No.: (212) 310-8007
Attorneys for Defendant WESTINGHOUSE ELECTRIC CORPORATION

F J. Bruce Alverson, Esq.
Alverson, Taylor, Mortensen & Nelson
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Fax No.: (702) 385-7000
Attorneys for Defendant GENERAL ELECTRIC COMPANY

F John L. Thorndal, Esq.
Thorndal, Backus, Maupin & Armstrong
1100 East Bridger Avenue
Las Vegas, NV 89101
Fax No.: (702) 366-0327
Attorneys for Defendants MONSANTO COMPANY and
WESTINGHOUSE ELECTRIC CORPORATION

F Bruce A. Featherstone, Esq.
Kirkland & Ellis
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Denver, CO 80202
Fax No.: (303) 291-3300
Attorneys for Defendant MONSANTO COMPANY


An employee of BRADLEY & MERRELL
c/o JONES, JONES, CLOSE & BROWN

BRADLEY & MERRELL
c/o JONES, JONES, CLOSE & BROWN, CHARTERED
Seventh Floor — Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101-6026
(702) 385-4202

MESSAGE FROM XEROX 7024: (702) 385-1655

DATE: 3/12/93

NOTE OUR NEW FAX NUMBER !!!

TO: John L. Thorndal, Esq.	FAX #: (702) 366-0327
	PHONE #: (702) 366-0622
TO: J. Bruce Alverson, Esq.	FAX #: (702) 385-7000
	PHONE #: (702) 384-7000
TO: Bruce A. Featherstone, Esq.	FAX #: (303) 291-3334
	PHONE #: (303) 291-3000
TO: Steven R. Kuney, Esq.	FAX #: (202) 434-5029
	PHONE #: (202) 434-5843
TO: Arvin Maskin, Esq.	FAX #: (212) 310-8007
	PHONE #: (212) 310-8000

FROM:

Paul Merrell

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

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION: Notice of Depo.

NUMBER OF PAGES (including cover page):

35
10-33

BRADLEY * MERRELL

ID:7023851655

MAR 12'93 18:2

TRANSMIT CONFIRMATION REPORT

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BRADLEY * MERRELL

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MAR 13 '93 12:3

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BRADLEY * MERRELL

ID:7023851655

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BRADLEY * MERRELL

ID:7023851655

MAR 13'93 11:04

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BRADLEY * MERRELL

ID:7023851655

MAR 13 '93 11:50

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