

Telephone: (702) 385-4202

BRADLEY & MERRELL
c/o Jones, Jones, Close & Brown
300 South Fourth Street, Seventh Floor
Las Vegas, Nevada 89101-6026

Fax: (702) 385-1655

July 23, 1993

VIA HAND DELIVERY

Honorable Lawrence R. Leavitt
Magistrate Judge of the United States District Court
District of Nevada
300 Las Vegas Boulevard South
Las Vegas, Nevada 89101

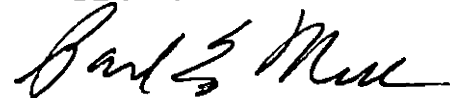
Re: Nevada Power Company v. Monsanto Company, et al.
USDC, District of Nevada Case CV-S-89-555-LDG (LRL)

Dear Judge Leavitt:

Enclosed please find a copy of Plaintiff Nevada Power Company's Submission to Judge Leavitt Under Seal. We are neither serving nor filing with the clerk the attached documents. The pleading itself will be served upon all parties.

Best Regards,

BRADLEY & MERRELL



PAUL E. MERRELL
Coordinating Attorney

PEM:dd
Enc.

evg\cor\leavitt.103

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
Las Vegas, Nevada 89101-6026
5 Telephone: (702) 385-4202

6 RALPH A. BRADLEY, ESQ.
PAUL E. MERRELL, ESQ.
7 BRADLEY & MERRELL
c/o JONES, JONES, CLOSE
8 & BROWN, CHARTERED
700 Bank of America Plaza
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
14 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
15

16	NEVADA POWER COMPANY, etc.,	)	CASE CV-S-89-555-LDG (LRL)
17	Plaintiff,	)	
18	vs.	)	PLAINTIFF NEVADA POWER
19	MONSANTO COMPANY, etc., et al.,	)	COMPANY'S SUBMISSION TO
20	Defendants.	)	JUDGE LEAVITT UNDER SEAL
21		)	

22 Plaintiff Nevada Power Company ("Nevada Power") submits the
23 following documents directly to Judge Leavitt under seal and asks
24 that they be maintained under seal:

- 25 1. Heading only from memorandum from Papageorge to Stapleton
26 with handwritten content dated 2/26/75. Bates no. Nev.
27 034520.
28 2. Memorandum from Papageorge to Stapleton with handwritten

1 : notes dated 2/26/75 re: Chlorinated Dibenzofurans in PCBs
2 and the need for warning labels. Bates no. NEV 034724.
3 Plaintiff's Exhibit no. 2891.

4 3. Handwritten notes dated 11/6/72 re: PCB meeting with Dr.
5 Fitzhugh. Bates nos. NEV 035012-035016. Plaintiff's
6 Exhibit No. 2891.

7 4. Case Study Polychlorinated Biphenyls, Study of Principles
8 of Decision Making, Chemicals in the Environment, National
9 Academy of Science. Bates nos. NEV 040855- 040863.
10 Plaintiff's Exhibit 2842.

11 These are the documents that defendant manufacturer Monsanto
12 Company ("Monsanto") alleges are the product of inadvertent
13 disclosure and purports are privileged. A copy of John Tatlock's
14 submission to Nevada Power at 4:00 p.m. on July 22, 1993 is appended
15 to this submission.

16 Copies of the documents will not be served on any of the
17 parties.

18 A typescript of the handwritten document has been prepared and
19 is included (in Tab 4) to expedite the Court's review of the text
20 contained therein.

21 DATED: July 23, 1993

BRADLEY & MERRELL
RALPH A. BRADLEY
PAUL E. MERRELL
DEBORAH N. MAILANDER
DAVID E. SCHALK
ROBERTA J. STRAUB

25 By: 
26 PAUL E. MERRELL
27 Coordinating Attorney
28 BRADLEY & MERRELL
c/o JONES, JONES, CLOSE & BROWN
300 South Fourth St., Suite 700

Las Vegas, Nevada 89101
(702) 385-4202

Attorneys for Plaintiff
NEVADA POWER COMPANY, a Nevada
corporation

Other Counsel for
Plaintiff Nevada Power Company:

DAVID S. McCREA, ESQ.
McCREA & McCREA
119 South Walnut Street
Post Office Box 1310
Bloomington, Indiana 47402
Telephone: (812) 336-4840

FREDERICK M. BARON, ESQ.
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

MICHAEL T. GALLAGHER, ESQ.
CRAIG LEWIS, ESQ.
JOHN H. KIM, ESQ.
FISHER, GALLAGHER & LEWIS, L.L.P.
1000 Louisiana, 70th Floor
Houston, Texas 77002
Telephone: (713) 654-4433

P:\USERS\LSG\PLD\SUBUNDER.SEA

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of July, 1993, the foregoing PLAINTIFF NEVADA POWER COMPANY'S SUBMISSION TO JUDGE LEAVITT UNDER SEAL 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
767 Fifth Avenue
New York, NY 10153
Fax No.: (212) 310-8007
Attorneys for Defendant WESTINGHOUSE ELECTRIC CORPORATION

F

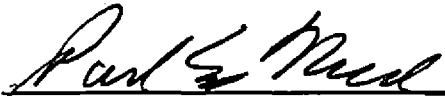
J. Bruce Alverson, Esq.
Alverson, Taylor, Mortensen & Nelson
3821 West Charleston Boulevard
Las Vegas, NV 89102
Fax No.: (702) 385-7000
Attorneys for Defendant GENERAL ELECTRIC COMPANY

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
1999 Broadway, Suite 4000
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: July 23, 1993

TO: John Tatlock, Esq.

FAX #: (303) 291-3334

PHONE #: (303) 291-3000

FROM: Paul E. Merrell, Esq.

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

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION: Copy of July 23, 1993 letter to Honorable Lawrence R. Leavitt, copy of "Plaintiff Nevada Power Company's Submission to Judge Leavitt Under Seal"

NUMBER OF PAGES (including cover page): Six (6)

MESSAGE:

THIS TELECOPY IS INTENDED ONLY FOR THE ADDRESSEE NAMED ABOVE. IT MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF YOU HAVE RECEIVED THE TELECOPY IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, DESTROY ALL COPIES, AND DO NOT DISSEMINATE THE INFORMATION TO ANYONE. THANK YOU FOR YOUR ASSISTANCE.

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

BRADLEY & MERRELL
c/o JONES, JONES, CLOSE & BROWN, CHARTERED
Seventh Floor — Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101-6028
(702) 385-4202

MESSAGE FROM XEROX 7024: (702) 385-1655

DATE: July 23, 1993

TO: John Tatlock, Esq.

FAX #: (303) 291-3334

PHONE #: (303) 291-3000

FROM: Paul E. Merrell, Esq.

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

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION: Copy of July 23, 1993 letter to Honorable Lawrence R. Leavitt, copy of "Plaintiff Nevada Power Company's Submission to Judge Leavitt Under Seal"

NUMBER OF PAGES (including cover page): Six (6)

MESSAGE:

THIS TELECOPY IS INTENDED ONLY FOR THE ADDRESSEE NAMED ABOVE. IT MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF YOU HAVE RECEIVED THE TELECOPY IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, DESTROY ALL COPIES, AND DO NOT DISSEMINATE THE INFORMATION TO ANYONE. THANK YOU FOR YOUR ASSISTANCE.

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

TRANSMISSION REPORT

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

** COUNT **

TOTAL PAGES SCANNED : 6
TOTAL PAGES CONFIRMED : 6

*** SEND ***

No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	TATLOCK	7-23-93 9:37AM	5'51"	6/ 6	EC	COMPLETED 7200

TOTAL 0:05'51" 6

NOTE:

No. : OPERATION NUMBER 48 : 4800BPS SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
PD : POLLED BY REMOTE SF : STORE & FORWARD R1 : RELAY INITIATE RS : RELAY STATION
MB : SEND TO MAILBOX PG : POLLING A REMOTE MP : MULTI-POLLING RM : RECEIVE TO MEMORY