

21
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 15, 1993

Sue Fogelboch
Nevada Power Company
6226 West Sahara Ave.
Las Vegas, NV 89102

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

Dear Sue,

Enclosed is Exhibit A from Ted Whisler's deposition as you requested for Nevada Power's response to Bruce Featherstone's July 12, 1993 request.

Sincerely,

BRADLEY & MERRELL



DEBORAH N. MAILANDER

enclosure

DNM:bms

dam\invpower\cor\fogelboc.102

KIRKLAND & ELLIS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Bruce A. Featherstone

To Call Writer Direct:
303 291-30221999 Broadway
Denver, Colorado 80202

303 291-3000

Facsimile:
303 291-3300

July 15, 1993

VIA TELECOPY - COVER LETTERVIA FEDERAL EXPRESS - LETTER AND ENCLOSURESPaul E. Merrell, Esq.
Bradley & Merrell
c/o Jones Jones Close & Brown
300 So. Fourth St., 7th Floor
Las Vegas, NV 89101-6026Re: Nevada Power v. Monsanto, et al.

Dear Paul:

Dr. Kelly continues to be unavailable for testimony for medical reasons.

We have had discussions regarding Monsanto's response to plaintiff's Rule 30(b)(6) Notice to Monsanto for corporate witnesses on Monsanto's notice or knowledge of "any and all alleged potential, or actual hazards" of PCBs (Attachment A). We are enclosing a copy of Dr. Kelly's testimony from the litigation entitled Glenn Brown v. Monsanto, which we are proposing to use as a partial response to Attachment A.

Please review the enclosed transcript promptly and advise whether you will accept this deposition testimony. We will then discuss the particulars.

I may also wish to offer portions of this testimony for Monsanto's partial response to plaintiff's Rule 30(b)(6) Notice re IBT, recently served (Attachment B). This Notice has been modified by Mr. Bradley, and as modified, is an exhibit to the transcript for Dr. Levinskas. I have not seen the exhibit, but I believe Attachment B, as attached, reflects Ralph's changes.

Thank you.

Very truly yours,



Bruce A. Featherstone

BAF/pat
encl.

ATTACHMENT AATTACHMENT "A"

Produce the person(s) most knowledgeable about your company (or its predecessors' in interest) dates and substance of its acquisition of notice and/or knowledge at any time about an concerning any and all alleged, potential, or actual hazards of polychlorinated biphenyls or monochlorinated biphenyls, whether denominated by those terms or by any other terms having the same meaning.

ATTACHMENT BATTACHMENT "A"

Produce the person(s) most knowledgeable who can testify regarding the following subject matter:

Monsanto's hiring of Industrial BioTest Laboratories (IBT) in whatever capacity (for example, as employer to employee, principal to agent, etc.) to conduct research on Monsanto products, particularly polychlorinated biphenyl compounds (PCBs).

Monsanto's knowledge of inaccuracies in reports of the conduct of tests regarding PCB compounds produced by Monsanto and its health effects from Industrial BioTest Laboratories, and the reasons for such inaccuracies.

Monsanto's knowledge at any time ^{up to 1976} of conditions at IBT and the reliability of studies conducted by IBT.

Monsanto's hiring of Industrial BioTest employees after their termination (voluntary or involuntary) from Industrial BioTest.

Monsanto's discussions of proposed experiments and experiments actually conducted by Industrial BioTest concerning PCB compounds produced by Monsanto.

Monsanto's reviews of experiments conducted by IBT on Monsanto's PCB products and their results.

Communications between Monsanto and IBT regarding experiments and reports thereon conducted on PCBs.

Communications between Monsanto and government agencies concerning PCB studies performed for Monsanto at IBT ^{and} ~~and similarly designed studies performed by others~~