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July 30, 1993

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Re: Nevada Power Company v. Monsanto Company, et al.,
Case No. CV-S-89-555-LDG-LRL

Dear Paul:

I have enclosed a revised Stipulation and Order on the expert deposition schedule.

The revised stipulation (1) contains a new preamble; (2) provides an additional week for Nevada Power to take depositions of defendants' experts, from October 8 through November 12, 1993, and thus moves the date for the close of discovery to November 12, 1993; and (3) requires Nevada Power to disclose its experts on August 20, 1993.

It is understood that none of the parties have had sufficient time to confirm the availability of their respective experts for these new time intervals, and that, if absolutely necessary, special arrangements may have to be made for any expert who might not be available. We also agreed to discuss the possibility of taking these depositions in locations convenient to all counsel.

Thank you again for your assistance.

Sincerely,



David C. Kiernan

DCK/sp

cc: Arvin Maskin, Esq. (via telecopy)
Bruce A. Featherstone, Esq. (via telecopy)
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17 (Continued)

18 UNITED STATES DISTRICT COURT
19 DISTRICT OF NEVADA
20

21 NEVADA POWER COMPANY, a Nevada)
22 Corporation,)
Plaintiff,)
23 v.)
)
24 MONSANTO COMPANY, a foreign corpor-)
ation; GENERAL ELECTRIC COMPANY, a)
25 foreign corporation; WESTINGHOUSE)
ELECTRIC CORPORATION, a foreign)
26 corporation; and DOES I through)
XXV, inclusive,)
27 Defendants.)
28

CV-S-89-555-LDG-LRL

STIPULATION AND ORDER
MODIFYING SCHEDULING
ORDER AND LITIGATION
PLAN

(Attorneys Continued:)

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WHEREAS, this Court on April 8, 1993 issued a Scheduling Order and Litigation Plan (Docket Entry 343) with fact deposition discovery scheduled to end Friday, July 23, 1993, and disclosure by plaintiff of its experts on Friday, July 30, 1993; and

WHEREAS, the parties have been engaged in extensive fact deposition discovery since the inception of this litigation, including approximately 100 depositions, many of which have been taken in other districts since April 8, 1993; and

WHEREAS, the parties have recognized that up to 22 additional fact depositions need to be taken, and with the Court's prior

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1 guidance are in the process of finalizing a stipulated order
2 concerning the 22 depositions; and

3 WHEREAS, it was the intent of the April 8, 1993 Scheduling
4 Order and Litigation Plan to have the fact discovery completed
5 before providing expert designations and beginning expert deposi-
6 tions.

7 IT IS, THEREFORE, STIPULATED AND AGREED through undersigned
8 counsel to the following modifications in the Court's April 8, 1993
9 Scheduling Order and Litigation Plan:

10 1. Paragraph 6 of the April 8, 1993 Scheduling Order is
11 modified to provide that Plaintiff shall provide Rule 26(b)(4)
12 disclosure of its experts and their anticipated testimony by
13 August 20, 1993. Defendants may depose Plaintiff's experts from
14 August 27, 1993 through October 1, 1993.

15 2. Paragraph 7 of the April 8, 1993 Scheduling Order is
16 modified to provide that Defendants shall provide Rule 26(b)(4)
17 disclosure of their experts and their anticipated testimony by
18 October 8, 1993. Plaintiff may depose Defendants' experts from
19 October 8, 1993 through November 12, 1993.

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3. Paragraph 8 of the April 8, 1993 Scheduling Order is modified to provide that discovery will close on November 12, 1993.

DATED this 30th day of July, 1993.

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IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATE: _____

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