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300 South Fourth Street
Las Vegas, Nevada 89101-8026
(702) 385-4202

MESSAGE FROM XEROX 7024: (702) 385-1655

DATE: July 30, 1993

TO: Dr. Arnold Schecter

FAX #: (607) 770-8623

PHONE #: (607) 770-8521

FROM:

Roberta Straub

CLIENT/MATTER: Nevada Power v. Monsanto

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION:

Draft witness disclosure

NUMBER OF PAGES (including cover page):

5

MESSAGE:

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TOTAL PAGES SCANNED : 5

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No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	607 770 8623	7-30-93 9:43AM	3' 19"	5/ 5		COMPLETED 7200

TOTAL 0:03' 19" 5

NOTE:

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

G2 : G2 COMMUNICATION
RS : RELAY STATION
RM : RECEIVE TO MEMORY

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MESSAGE FROM XEROX 7024: (702) 385-1655

DATE: July 29, 1993

FROM ~~TO:~~ Dr. Arnold Schechter

FAX #: (607) 770-8623

PHONE #: (607) 770-8521

TO: ~~FROM:~~ Roberta Straub

CLIENT/MATTER: Nevada Power v. Monsanto

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION:

Draft testimony statement / disclosure statement

NUMBER OF PAGES (including cover page): 5

MESSAGE: Dr. Schechter, please review this draft and let me know if you have any comments. Thank you.

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Roberta Straub: please call (702) 385-4202 and ask for: Operator, Ext. 615

Please call if you want to go over any details

PS - Have you received my signed contract.

Nevada Power Company v. Monsanto Co., et al.
Case No. CV-8-89-555-LDG-LRL

PRETRIAL WITNESS STATEMENT

Dr. Arnold Schecter
88 Aldridge Avenue
Binghamton, New York 13903

SUMMARY OF TESTIMONY

Dr. Schecter is a ^{senior} major medical and scientific authority on ^{public health and medical aspects of} the accumulation of PCB residues and closely related PCDD and PCDF residues in human tissues in industrialized as well as ^{less} unindustrialized nations. Dr. Schecter has devoted over 10 years' time to the study of PCBs, PCDDs and PCDFs with patients. Dr. Schecter has been an advisor/consultant to the World Health Organization (WHO), U.S. Environmental Protection Agency (EPA), and the Agency for Toxic Diseases and Substance Registry for the Centers for Disease Control (CDC). In addition, Dr. Schecter conducts ongoing research in the United States, Russia, ^{China} ~~Hong Kong~~, Vietnam, and Japan on PCBs, PCDDs and PCDFs. As a county Health Commissioner, Dr. Schecter was the first to point out the dangers ^{of PCBs, dioxins and dibenzofurans} in PCB transformer fires.

Dr. Schecter received his ^{3rd} M.P.H. from Columbia University School of Public Health, his ^{2nd} M.D. from Howard University Medical School, a B.A. in Liberal Arts and a B.S. in Physiology and Neurophysiology from the University of Chicago. Dr. Schecter's

many aspects of including but not limited to

list

post graduate
training has been

Included

mini-residency in Occupational Medicine at the University of Cincinnati College of Medicine and in Occupational

Medicine at the University of Illinois Medical School in Chicago,

Illinois and at Mt Sinai Medical Center in

New York and at New York University

Medical Center and ~~courses of the other courses at~~

Currently, Dr. Schechter is a professor at the Department of

Preventive Medicine, SUNY Health Science Center in Syracuse, New

York and in the Clinical Campus at Binghamton, New York. He is

also a staff member at Our Lady of Lourdes Hospital in Binghamton,

New York and the United Health Services Hospitals in Johnson City,

New York.

As an extensively published author on PCBs, PCDDs and PCDFs,

Dr. Schechter's expertise is relied upon by many persons researching

the issues surrounding these chemicals.

Some of Dr. Schechter's membership affiliations are: the

Association of Teachers of Preventive Medicine Committee; the

American College of Epidemiology; a Fellow in the American College

of Occupational and Environmental Medicine; a Fellow in the

American College of Preventive Medicine; a Fellow in the American

College of Physicians; a member of the American Association for the

Advancement of Science; and a member of the Society for

Epidemiologic Research and other scientific and professional

In this litigation, Dr. Schechter is presented as an expert on

the toxicology of PCBs, dioxins and dibenzofurans (PCB related

Oceanic
Medical
National
Medical
School
SUNY
State
Medical
School
and
Mount
Sinai
Medical
School

Belong to
scientific and professional

published
publications from his own ~~state of the art~~ research as well as
other research and reports generated by ~~that~~ research on PCBs,
PCDDs and PCDFs.

Among the more general sources of Dr. Schecter's information
will be general scientific literature on PCBs, PCDDs and PCDFs
along with recent NIOSH, EPA, CDC, Air Force and other government
agency research. Dr. Schecter may review materials covered at
scientific meetings and information covered with *or discussed with* other experts.
Another category of information upon which Dr. Schecter may rely
includes pertinent research provided by state agencies and symposia
other publications
and ~~book chapters~~ dealing with halogenated aromatic hydrocarbon
toxicity.

At the request of Nevada Power attorneys, Dr. Schecter may
also review learned treatises of other experts or any other
documents related to the case which Nevada Power attorneys provide
for his review.

Finally, Dr. Schecter may also be called upon to explain and
define any scientific terms used by the defendants in documents
gathered by Nevada Power during discovery and presented to him.

FISHER, GALLAGHER & LEWIS, L.L.P.

ATTORNEYS AT LAW
70TH FLOOR
FIRST INTERSTATE BANK PLAZA
1000 LOUISIANA
HOUSTON, TEXAS 77002
(713) 654-4433
FAX (713) 654-5070

MICHAEL T. GALLAGHER
BOARD CERTIFIED
PERSONAL INJURY TRIAL LAW

July 23, 1993

Lynda Garfinkle
BRADLEY & MERRELL
JONES, JONES, CLOSE & BROWN, CHARTERED
Seventh Floor - Bank of America Plaza
300 South Fourth Street
Las Vegas, NV 89101-6026

Re: Nevada Power Company v. Monsanto Company, et al

Dear Lynda:

Please find enclosed an invoice from Martin & Associates for the deposition of Donald Sauter. I would appreciate you placing this invoice in line for payment.

Thank you for your attention to this matter.

Sincerely,



Michael T. Gallagher

MTG/kh
enclosure

RECEIVED JUL 30 1993

Telephone: (702) 385-4202

BRADLEY & MERRELL
c/o Jones, Jones, Close & Brown
300 South Fourth Street, Seventh Floor
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Fax: (702) 385-1655

July 29, 1993

John H. Tatlock, Esq.
Kirkland & Ellis
1999 Broadway
Denver, Colorado 80202

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

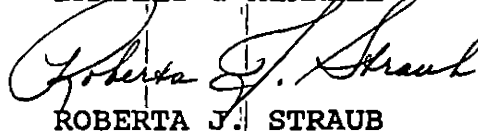
Dear John:

This is in response to your letter of July 21, 1993 asking for several exhibits which you stated that the defendants had not yet received. I have gathered the following documents for you: Exhibits 1098, 1133, 1160, 1282, 1397, 1518, 1537, 1621, 1622, and 1630. All three defendants already have Exhibit 1113, it is the NIOSH criteria document which you have been producing so frequently in deposition. If it is true that you have misplaced your copy, please let me know, and I will make sure that you receive another.

Exhibit numbers 1791, 1959 - 2522 and 2550 - 2584 are reserved. I hope this information is helpful.

Sincerely,

BRADLEY & MERRELL


ROBERTA J. STRAUB

rjs:bms

j:\nev\rjs\docs\ttlck.010

DRAFT

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

PRETRIAL WITNESS STATEMENT

Richard Ellis, Ph.D.
P.O. Box 100
Hixson, Tennessee 37343

SUMMARY OF TESTIMONY

Dr. Ellis is chairman of Advanced Waste Management Systems, Inc. He is a Hazardous Waste principal investigator for the World Bank, and concurrently works as an invited consultant, investigator and project manager for six eastern European countries, Korea, Indonesia, Taiwan and China in their hazardous waste identification and clean-up efforts. Dr. Ellis has testified as an expert witness before United States governmental agencies, and is a primary hazardous waste consultant for The Pentagon. Dr. Ellis is a former Senior Environmental Engineer for the Tennessee Valley Authority, and a former research associate at Ohio State University.

Dr. Ellis served served in the military during the Gulf War and is a veteran of the Vietnam war. He is currently enlisted in the United States Air Force Reserves.

Dr. Ellis received his doctorate in Public Administration and Engineering at Ohio State University. He holds a master's degree in Natural Resource Management and a bachelor's degree in Zoology.

Dr. Ellis' appointments have included: ASTM Subcommittee D-34 Underground Storage Tanks; Board of Directors, Chattanooga World Trade Center; Chattanooga-Hamilton County of Local Emergency Planning Committee; Chattanooga State Community College Curriculum Committee; Governor's Appointee to Tennessee International Trade and Export Advisory Council; and Institute of Hazardous Materials Managers. Dr. Ellis is listed in the Who's Who Environmental Registry.

Dr. Ellis has authored and co-authored numerous publications relating to the management of hazardous wastes.

Dr. Ellis will testify on the basis of his education, training, research and work experience. He will testify based on his understanding of the current methods of hazardous material identification and cleanup and handling of hazardous materials. His testimony will be based specifically on PCBs, dioxins and furans, and current state of the art methods in working with these hazardous wastes.

Dr. Ellis will rely on the general scientific literature relating to PCBs, dioxins and dibenzofurans, as well as on publications from his own research. He will rely on publications and research performed by others in the field regarding cleanup of PCBs, dioxins and dibenzofurans. Dr. Ellis will rely on current governmental regulations regarding hazardous wastes, particularly PCBs, dioxins and dibenzofurans. Dr. Ellis will also rely on

documents presented to him by attorneys for Nevada Power.

Dr. Ellis is presented as an expert on hazardous wastes. His testimony will reveal his opinion that Nevada Power's compliance with government regulations regarding PCBs, dioxins and dibenzofurans has been reasonable, if not regarded as exemplary. He will opine that Nevada Power's methods and costs incurred in its efforts to clean up PCB contamination were reasonable, and that Nevada Power's anticipation that the Environmental Protection Agency will eventually lower the PCB contamination limit to under 50 ppm is reasonable.

Dr. Ellis will testify regarding the PCBs, dioxins and furans found on the property of Nevada Power, including the effect(s) said substances have had and continue to have on property values. He will testify regarding the reasonableness of the methods employed by Nevada Power to calculate damages resulting from PCB contamination, as well as the reasonableness of projected expenses for PCB cleanups. Dr. Ellis will establish that a grievous wrong was committed against Nevada Power. He will testify regarding his review of Nevada Power's activities to comply with government regulations relating to PCBs.

Dr. Ellis will testify that any detectable amount of PCB is considered hazardous in Hungary. He will testify that any amount of PCB greater than 1 ppm found in impermeable soil is considered hazardous in Holland, and that .05 ppm found in permeable soil is

considered hazardous in the same country. Dr. Ellis will testify that the United States will create international trade problems if this country does not lower its standards to comparable limits.

Dr. Ellis may also be called upon to define and explain terms introduced in various documents regarding the handling of hazardous wastes.

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MESSAGE FROM XEROX 7024: (702) 385-1655

DATE: July 29, 1993

TO: Rick Ellis

FAX #: 615-843-2310

PHONE #: 615-843-2206

FROM: Roberta Straub

CLIENT/MATTER: Nevada Power v. Monsanto

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION:

NUMBER OF PAGES (including cover page): 5

MESSAGE: Dr. Ellis, please review this draft statement and let me know if it is acceptable. Thank You.

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DATE: July 29, 1993

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PHONE #: 615-843-2206

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MB : SEND TO MAILBOX PG : POLLING A REMOTE MP : MULTI-POLLING RM : RECEIVE TO MEMORY

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PRETRIAL WITNESS STATEMENT

Dr. Arnold Schecter
88 Aldridge Avenue
Binhamton, New York 13903

SUMMARY OF TESTIMONY

Dr. Schecter is a major medical and scientific authority on the accumulation of PCB residues and closely related PCDD and PCDF residues in human tissues in industrialized as well as unindustrialized nations. Dr. Schecter has devoted over 10 years' time to the study of PCBs, PCDDs and PCDFs with patients. Dr. Schecter has been an advisor/consultant to the World Health Organization (WHO), U.S. Environmental Protection Agency (EPA), and the Agency for Toxic Diseases and Substance Registry for the Centers for Disease Control (CDC). In addition, Dr. Schecter conducts ongoing research in the United States, Russia, Hong Kong, Vietnam, and Japan on PCBs, PCDDs and PCDFs. As a county Health Commissioner, Dr. Schecter was the first to point out the dangers in PCB transformer fires.

Dr. Schecter received his M.P.H. from Columbia University School of Public Health, his M.D. from Howard University Medical School, a B.A. in Liberal Arts and a B.S. in Physiology and Neurophysiology from the University of Chicago. Dr. Schecter's

training has been a mini-residency in Occupational Medicine at the University of Cincinnati College of Medicine and in Occupational Medicine at the University of Illinois Medical School in Chicago, Illinois.

Currently, Dr. Schecter is a professor at the Department of Preventive Medicine, SUNY Health Science Center in Syracuse, New York and in the Clinical Campus at Binghamton, New York. He is also a staff member at Our Lady of Lourdes Hospital in Binghamton, New York and the United Health Services Hospitals in Johnson City, New York.

As an extensively published author on PCBs, PCDDs and PCDFs, Dr. Schecter's expertise is relied upon by many persons researching the issues surrounding these chemicals.

Some of Dr. Schecter's membership affiliations are: the Association of Teachers of Preventive Medicine Committee; the American College of Epidemiology; a Fellow in the American College of Occupational and Environmental Medicine; a Fellow in the American College of Preventive Medicine; a Fellow in the American College of Physicians; a member of the American Association for the Advancement of Science; and a member of the Society for Epidemiologic Research.

In this litigation, Dr. Schecter is presented as an expert on the toxicology of PCBs, dioxins and dibenzofurans (PCB related

compounds). In the last eleven years, Dr. Schecter's research has focused on PCB, PCDD and PCDF residues found in patients' bodies and movement of the PCBs, PCDDs and PCDFs through the human body; points of collection within the human body for PCBs, PCDDs and PCDFs; the biological half-lives of PCBs, PCDDs and PCDFs; and the movement of PCBs, PCDDs and PCDFs through the placenta and to the fetus.

Dr. Schecter's research has also focused on the background exposures of human populations to PCBs, PCDDs and PCDFs as well as the bioaccumulation of PCBs, PCDDs and PCDFs in the general human population. Dr. Schecter will testify to the impact of additional PCBs, PCDDs and PCDFs when added to the background levels already present in the human population.

Dr. Schecter is of the opinion that PCBs, PCDDs and PCDFs are inherently dangerous to laboratory animals, wildlife and humans. He is also of the opinion that levels of PCBs, PCDDs and PCDFs must be reduced to lower the existing background human body burdens. Dr. Schecter will also testify that the PCB equipment at Nevada Power which is above and below the existing EPA standards is defectively hazardous because of toxicity, persistence and bioaccumulation.

The basis for Dr. Schecter's testimony will be his education, research experience, training and understanding of the current literature on PCBs, PCDDs and PCDFs. Dr. Schecter will also review

publications from his own state of the art research as well as other research and reports generated by that research on PCBs, PCDDs and PCDFs.

Among the more general sources of Dr. Schecter's information will be general scientific literature on PCBs, PCDDs and PCDFs along with recent NIOSH, EPA, CDC, Air Force and other government agency research. Dr. Schecter may review materials covered at scientific meetings and information covered with other experts. Another category of information upon which Dr. Schecter may rely includes pertinent research provided by state agencies and symposia and book chapters dealing with halogenated aromatic hydrocarbon toxicity.

At the request of Nevada Power attorneys, Dr. Schecter may also review learned treatises of other experts or any other documents related to the case which Nevada Power attorneys provide for his review.

Finally, Dr. Schecter may also be called upon to explain and define any scientific terms used by the defendants in documents gathered by Nevada Power during discovery and presented to him.

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