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July 30, 1993

CONFIRMATION
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VIA TELECOPY

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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)
J. Bruce Alverson, Esq. (via telecopy)
John L. Thorndal, Esq. (via telecopy)

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NEVADA POWER COMPANY, a Nevada Corporation,	)	CV-S-89-555-LDG-LRL
	)	
Plaintiff,	)	STIPULATED ORDER RE
	)	EXPERT DEPOSITIONS
v.	)	
	)	
MONSANTO COMPANY, a foreign corporation; GENERAL ELECTRIC COMPANY, a foreign corporation; WESTINGHOUSE ELECTRIC CORPORATION, a foreign corporation; and DOES I through XXV, inclusive,	)	
	)	
Defendants.	)	
	)	

STIPULATION AND ORDER MODIFYING SCHEDULING ORDER
AND LITIGATION PLAN

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, with many of the depositions having been taken since April 8, 1993; and

WHEREAS, the parties have recognized that up to twenty-two (22) additional fact depositions need to be taken, and with the Court's prior guidance are in the process of finalizing a stipulated order concerning the twenty-two (22) depositions; and

WHEREAS, it was the intent of the April 8, 1993 Scheduling Order and Litigation Plan to have all fact discovery

completed before providing expert designations and beginning expert depositions.

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

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

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

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

Dated: July __, 1993 BRADLEY & MERRELL

By:

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Dated: July __, 1993 ALVERSON, TAYLOR, MORTENSON &
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Dated: July __, 1993

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Attorneys for Defendants MONSANTO
COMPANY and WESTINGHOUSE ELECTRIC
CORPORATION

IT IS SO ORDERED

Dated: _____, 1993

Magistrate Judge
United States District Court