

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: 7/26/93

TO: *Ann Dane*
John L. Thorndal, Esq.

FAX #: (702) 366-0327

PHONE #: (702) 366-0622

FROM: *Bradley + Merrell (Lynda)*

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

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION: *Refaxes of first pg. of Affidavit of Ralph Bradley; Proof of Service; Supplement to 7/22 Reply*

NUMBER OF PAGES (including cover page): 19

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: Robert Osterloh, Ext. 615

BRADLEY & MERRELL
c/o JONES, JONES, CLOSE & BROWN, CHARTERED
Seventh Floor — Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101-6026
(702) 385-4202

MESSAGE FROM XEROX 7024: (702) 385-1655

DATE: 7/26/93

TO: *Ann Dane*
John L. Thorndal, Esq.

FAX #: (702) 366-0327

PHONE #: (702) 366-0622

FROM: *Bradley & Merrell (Sydney)*

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

CLIENT/MATTER NO.: 11827.2

DOCUMENT(S) DESCRIPTION: *Refaxes of Serial 89.7
Affidavit of Ralph Bradley; Proof of Service;
Supplement to the Reply*

NUMBER OF PAGES (including cover page): 19

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: Robert Osterloh, Ext. 616

TRANSMISSION REPORT

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

** COUNT **

TOTAL PAGES SCANNED : 19

TOTAL PAGES CONFIRMED : 19

*** SEND ***

No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	JOHN THORNDAL	7-26-93 8:50AM	7'36"	19/ 19	EC	COMPLETED 9600

TOTAL 0:07'36" 19

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

I, Ralph A. Bradley, under penalty of perjury and pursuant to statute, state that I am one of the attorneys for Plaintiff Nevada Power Company and that I have conducted most, if not all, of the depositions taken of employees of Monsanto Company.

Because of the existing discovery deadlines, I scheduled depositions in St. Louis, Missouri, during last week, July 14-16, and this week, July 19-23.

I spoke on the telephone with Bruce Featherstone, attorney for Monsanto, prior to the depositions scheduled for the week of July 19, 1993. Mr. Featherstone indicated that if possible he did not want depositions to occur July 23, 1993 because he needed to be in Denver, Colorado to be with his daughter. He stated he could cancel or alter his plans with his daughter, but requested that we conclude depositions on July 22, 1993, if at all possible.

To accomodate Mr. Featherstone's personal request, I cut short several depositions during the week of July 19-23, and did not insist on the continuation of a deposition of Dr. Levinskis, whose FRCP 30(b)(6) deposition was halted to enable him to obtain information necessary to answer a question as Monsanto's corporate designee.

Between July 14, 1993 and July 22, 1993, I was in St. Louis conducting depositions of Monsanto employees. On at least one occasion, I indicated to Mr. Featherstone that I would honor his personal request to have the depositions completed before Friday,

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,	)	PROOF OF SERVICE OF
		)	DOCUMENTS NOT SUBMITTED TO
18	vs.	)	DEFENSE COUNSEL AT
		)	JULY 23, 1993 HEARING
19	MONSANTO COMPANY, etc., et al.,	)	
		)	
20	Defendants.	)	
		)	

21

22 Attached hereto and listed below are documents which were
23 submitted to Magistrate Judge Lawrence R. Leavitt at the July 23,
24 1993 hearing, but not submitted to defense counsel:

- 25 1. Index to Documents Submitted Under Seal;
26 2. Index to Exhibits;
27 3. July 23, 1993 letter from Roberta J. Straub to Honorable
28 Lawrence R. Leavitt enclosing affidavit of Ralph A. Bradley;

1 4. Affidavit of Ralph A. Bradley; and

2 5. Draft stipulation regarding statements made directly to
3 plaintiff Nevada Power Company by defendant Monsanto Company
4 concerning Monsanto products.

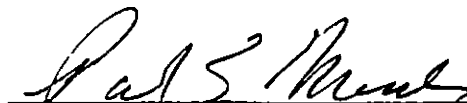
5 DATED: July 23, 1993

BRADLEY & MERRELL
RALPH A. BRADLEY
PAUL E. MERRELL

7

8

By:



PAUL E. MERRELL
Coordinating Attorney
BRADLEY & MERRELL
c/o JONES, JONES, CLOSE & BROWN
300 South Fourth St., Suite 700
Las Vegas, Nevada 89101
(702) 385-4202

9

10

11

12

13

14

Other Counsel for
Plaintiff Nevada Power Company:

16

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

19

20

21

22

23

24

25

26

27

28

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

J:\NEV\LSG\PLD\SERVDOCS.HRG

Nevada Power Company v. Monsanto
CV-S-89-555-LDG (LRL)

Index to Documents Submitted Under Seal

1. Pleading submitting documents under seal
2. Letter from John H. Tatlock to Paul E. Merrell dated July 22, 1993 alerting him to "inadvertent document productions made by Monsanto".
3. Purported "privilege" documents
 - a. Heading only from memo from Papageorge to Stapleton with handwritten content redacted, dated 2/26/75. Bates No. NEV 034520.
 - b. Memo from Papageorge to Stapleton with handwritten notes dated 2/26/75 re: Chlorinated Dibenzofurans in PCBs and warning labels. Bates No. NEV 034724. Plaintiff's Exhibit 2891.
 - c. Handwritten notes dated 11/6/72 re: PCB meeting with Dr. Fitzhugh. Bates Nos. NEV 035012-035012. Plaintiff's Exhibit 2864.
 - d. Case Study Polychlorinated Biphenyls: Study of Principles of Decision Making for Chemicals in the Environment National Academy of Science. Bates Nos. NEV 040855-040863. Plaintiff's Exhibit 2842.
4. Typescript of purported "privilege" handwritten documents
5. Privileged Document Form provided by Kirkland & Ellis
6. AOAC Meeting Presentation, October, 1974, J. Roach and I. Pomerantz, FDA

INDEX TO EXHIBITS

- 01 Notice to Take Deposition, served by defendants 07/16/93
- 02 Notice to Take Deposition, served by defendants 07/06/93
- 03 Defendant Monsanto Company's Response to Nevada Power Company's First Set of Interrogatories to All Defendants Regarding Statutes of Limitations (Conformed), served 06/08/93
- 04 Monsanto Company's Supplemental Response to Plaintiff's September 11, 1992 Interrogatories, served 06/07/93
- 05 Plaintiff's September 11, 1992 Interrogatories, Requests for Production of Documents and Requests for Admissions to Monsanto Company, served 09/11/92
- 06 Defendant Monsanto Company's Response to Nevada Power Company's First Set of Interrogatories to All Defendants Regarding Statutes of Limitations, served 06/07/93
- 07 Defendants' Motion for Protective Order, dated 10/01/92
- 08 Order, dated 12/22/92
- 09 Draft, Exhibit A
- 10 Defendants' Joint Opposition to Plaintiff's Motion for Partial Summary Judgment

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
300 Las Vegas Boulevard, South
Las Vegas, Nevada 89101

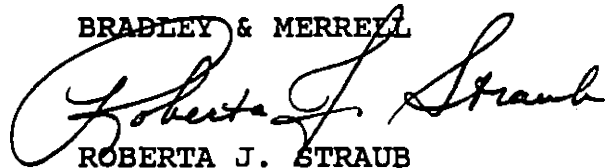
Re: Nevada Power Company v. Monsanto Company, et al.
USDC, District of Nevada Case CV-S-89-555-LDG (LRL)

Dear Judge Leavitt:

Enclosed please find the affidavit of Ralph A. Bradley,
Esq. which may be discussed at the hearing today scheduled for
10:00 a.m.

Sincerely,

BRADLEY & MERRELL



ROBERTA J. STRAUB

rjs:bms

I, Ralph A. Bradley, under penalty of perjury and pursuant to statute, state that I am one of the attorneys for Plaintiff Nevada Power Company and that I have conducted most, if not all, of the depositions taken of employees of Monsanto Company.

Because of the existing discovery deadlines, I scheduled depositions in St. Louis, Missouri, during last week, July 14-16, and this week, July 19-23.

I spoke on the telephone with Bruce Featherstone, attorney for Monsanto, prior to the depositions scheduled for the week of July 19, 1993. Mr. Featherstone indicated that if possible he did not want depositions to occur July 23, 1993 because he needed to be in Denver, Colorado to be with his daughter. He stated he could cancel or alter his plans with his daughter, but requested that we conclude depositions on July 22, 1993, if at all possible.

To accomodate Mr. Featherstone's personal request, I cut short several depositions during the week of July 19-23, and did not insist on the continuation of a deposition of Dr. Levinskas, whose FRCP 30(b)(6) deposition was halted to enable him to obtain information necessary to answer a question as Monsanto's corporate designee.

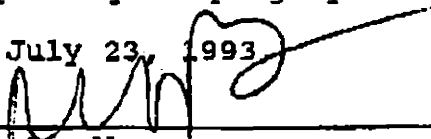
Between July 14, 1993 and July 22, 1993, I was in St. Louis conducting depositions of Monsanto employees. On at least one occasion, I indicated to Mr. Featherstone that I would honor his personal request to have the depositions completed before Friday,

July 23, 1993. On at least one occasion, I informed Scott Bauer, an attorney who works for Mr. Featherstone, that I would honor Mr. Featherstone's personal request to have the depositions completed by July 22, 1993, to enable Mr. Featherstone to be in Denver July 23, 1993 with his daughter.

I flew from St. Louis, Missouri on the same flight with Mr. Featherstone, though we did not sit together. We did speak, however, during our flight. Never did Mr. Featherstone indicate that his personal plans had changed. Instead, it was my understanding that Mr. Featherstone was returning to Denver to be with his daughter.

If Mr. Featherstone appears in Las Vegas, Nevada July 23, 1993, it will be contrary to numerous statements he made to me, and to my paralegal. The depositions I hurried to accomodate Mr. Featherstone's personal request could have, and should have, continued into today, July 23, 1993. I would continued those depostions through July 23, 1993 had I known that Mr. Featherstone apparently had no personal obligations to be in Denver July 23, 1993, as he indicated on some many occasions.

I swear under penalty of perjury that the foregoing is true and correct. Dated July 23, 1993



Ralph A. Bradley

DRAFT

EXHIBIT A

The person or persons most knowledgeable to testify concerning:

1. Any oral or written representation or statement by or on behalf of Monsanto of which Nevada Power had knowledge at or before it purchased or acquired any of the electrical equipment for which it seeks damages in this case, or any of the PCB fluids in or for any of its electrical equipment.

Nevada Power Company stipulates that it has no present knowledge of any such representations or statements made directly to Nevada Power or its officials, except certain photographs depicting drums of Monsanto PCB products. By so stipulating, Nevada Power does not concede that its purchases of products containing PCBs were not influenced by other parties or non-parties to whom Monsanto made representations or statements or that Monsanto was not under a duty to warn Nevada Power of the hazards of PCBs. Monsanto reserves the right to reject this stipulation.

2. Any oral or written representation or statement by or on behalf of Monsanto that Nevada Power relied upon in purchasing or acquiring any of the electrical equipment for which it seeks damages in this case, or any of the PCB fluids in or for any of its electrical equipment.

Nevada Power Company stipulates that it has no present knowledge of any such representations or statements made directly to Nevada Power or its officials, except certain photographs depicting drums of Monsanto PCB products. By so stipulating, Nevada Power does not concede that its purchases of products

DRAFT

containing PCBs were not influenced by other parties or non-parties to whom Monsanto made representations or statements or that Monsanto was not under a duty to warn Nevada Power or the hazards of PCBs. Monsanto reserves the right to reject this stipulation.

3. Other than those oral or written representations or statements already called for by Paragraphs 1 and 2 herein, any oral or written representation or statement by or on behalf of Monsanto that Nevada Power alleges caused any of its other damages in this case.

Nevada Power Company stipulates that it has no present knowledge of any such representations or statements other than those Monsanto documents which Nevada Power contends were the triggering event for accrual of its causes of action. By so stipulating, Nevada Power does not concede that its damages were not caused by Monsanto oral or written representations to other parties upon whom Nevada Power relied.

4. With regard to each such oral representation or statement described in Paragraphs 1-3 herein:

the date(s), location(s) and other circumstances of such statement;

the identify(ies) of the person(s) who received, heard, and/or relied upon the statement;

the identity(ies) of the person(s) who made the statement;

the full context of such statement;

any followup by Nevada Power to such statement;

DRAFT

Nevada Power's knowledge or information concerning any other statement by Monsanto relating to the topic or subject matter of such statement;

each item of equipment allegedly purchased or acquired by Nevada Power in reliance on the statement, and for each such item, a complete explanation of how Nevada Power relied on the statement in purchasing or acquiring it;

each other item of damage Nevada Power contends it suffered in reliance on the alleged statement, and for each such other item of damage, a complete explanation of how Nevada Power relied on the statement in allegedly suffering the damage;

all documents relating to the alleged statement;

all documents relating to or showing Nevada Power's reliance on the alleged statement; and

all persons who have any knowledge concerning the alleged statement and any reliance thereon by Nevada Power.

4. With regard to each written representation or statement described in response to Paragraphs 1-3 hereto:

the publication or other written communication or document containing the statement;

the date(s), location(s), means, method and other circumstances concerning Nevada Power's receipt or knowledge of such statement;

the identity(ies) of the person(s) who made the statement;

the full context of such statement;

DRAFT

any followup by Nevada Power to such statement;

Nevada Power's knowledge or information concerning any other statement by Monsanto relating to the topic or subject matter of such statement;

each item of equipment allegedly purchased or acquired by Nevada Power in reliance on the statement and for each such item, a complete explanation of how Nevada Power relied on the statement in purchasing or acquiring it;

each other item of damage Nevada Power contends it suffered in reliance on the alleged statement, and for each such other item, a complete explanation of how Nevada Power relied on the statement in allegedly suffering the damage;

all documents relating to the alleged statement; all documents relating to or showing Nevada Power's reliance on the alleged statement; and

all persons who have any knowledge concerning the alleged statement and any reliance thereon by Nevada Power.

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of July, 1993, the foregoing PROOF OF SERVICE OF DOCUMENTS NOT SUBMITTED TO DEFENDANTS' COUNSEL AT JULY 23, 1993 HEARING 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

1 J. RANDALL JONES, ESQ.
2 CHARLES H. McCREA, SR., ESQ.
3 DOUGLAS M. COHEN, ESQ.
4 JONES, JONES, CLOSE
5 & BROWN, CHARTERED
6 700 Bank of America Plaza
7 300 South Fourth Street
8 Las Vegas, Nevada 89101-6026
9 Telephone: (702) 385-4202

6 RALPH A. BRADLEY, ESQ.
7 PAUL E. MERRELL, ESQ.
8 BRADLEY & MERRELL
9 c/o JONES, JONES, CLOSE
10 & BROWN, CHARTERED
11 700 Bank of America Plaza
12 300 South Fourth Street
13 Las Vegas, Nevada 89101-6026
14 Telephone: (702) 385-4202

11 Attorneys for Plaintiff
12 NEVADA POWER COMPANY
13 a Nevada corporation

14 UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA

16	NEVADA POWER COMPANY, etc.,	)	CASE CV-S-89-555-LDG (LRL)
17		)	
17	Plaintiff,	)	SUPPLEMENT TO NEVADA
18		)	POWER'S JULY 22, 1993
18	vs.	)	REPLY ON OR IN THE
19		)	ALTERNATIVE, RENEWED
19	MONSANTO COMPANY, etc., et al.,	)	MOTION PARTIAL SUMMARY
20		)	JUDGMENT ON THE
20	Defendants.	)	CALCULATION OF
21		)	COMPENSATORY DAMAGES

22 This filing supplements Nevada Power's July 22nd, 1993 filing on
23 its motion for summary judgment on the calculation of compensatory
24 damages. In section II. C. of the July 22nd filing, Nevada Power
25 argues that defendant manufacturers have failed to contend in their
26 interrogatory responses the facts on which they rely on for disputing
27 Nevada Power's damages calculations. Specific examples of
28 defendants' affirmative defenses which relate to damages include

1 assumption of the risk, failure to mitigate damages, comparative
2 negligence, sophisticated user/learned intermediary defense, economic
3 loss defense, and running of the statute of limitations. The
4 relevance of all of these affirmative defenses except statute of
5 limitations was raised in Nevada Power's July 22nd filing.

6 Defendant manufacturers' contention interrogatory responses on
7 their statute of limitations affirmative defense did not state any
8 facts relating to damages incurred by Nevada Power. By raising the
9 statute of limitations defense, they are alleging that Nevada Power
10 knew or should have known each and every element, including that it
11 incurred damages for its fraud and failure to warn claim.

12 The defendants have not provided contentions on which specific
13 damages it claims Nevada Power knew of and when. None of the
14 defendants stated any specific facts supporting the damage element of
15 their defense.¹ See defendant's interrogatory responses, attached as
16 exhibit 1 to Nevada Power's June 23, 1993 motion for partial summary
17 judgment on damages (C.R. # 392).

18 On page 3 of its Combined Response (C.R. #405), defendants set
19 out what they believe to be Nevada Power's burden to prove damages.

20 Among other things, plaintiff must prove that (i) it has
21 suffered, or will suffer, the alleged item of damage for
22 which it seeks compensation; (ii) that defendants' alleged
23 wrongful conduct caused, or will cause, said item of
24 damage; and (iii) that the compensatory damages amount is
25 fair, reasonable, and proper.

26 Surely if Nevada Power is required to prove these items, then the
27 defendants are required to rebut such proof as part of their statute
28

26 ¹ Monsanto merely stated that it does not concede any of
27 plaintiff's claim[s] for damages. Westinghouse's one paragraph
28 response referred back to its July 7, 1993 interrogatory response
which also made no specific reference to Nevada Power's knowledge of
its damages.

1 of limitations defense. Nevada Power has presented defendant
2 manufacturers with 16 volumes which support its calculation of
3 damages. If defendant manufacturers have reason to dispute this
4 calculation, it should do so as part of their affirmative defenses
5 which relate to damages. Defendant manufacturers have not presented
6 any contrary facts as part of its affirmative defense contentions.
7 Therefore, Nevada Power asserts that their right to contest the
8 damages calculations as it relates to these affirmative defenses
9 should be waived.

10 Similarly, if defendant manufacturers intend to assert the
11 economic loss doctrine as defendant Monsanto asserted at oral
12 argument to the court on July 23, 1993, they will surely be required
13 to show the basis for such defense. In particular they will need to
14 show which items of Nevada Power's damages are subject to that
15 defense, and indeed should have done so in their contention
16 interrogatory responses on this topic.

17 DATED: July 23, 1993

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

21 By: Deborah N. Mailander
22 for PAUL E. MERRELL
23 Coordinating Attorney
BRADLEY & MERRELL
24 c/o JONES, JONES, CLOSE & BROWN
300 South Fourth St., Suite 700
25 Las Vegas, Nevada 89101
(702) 385-4202

26 Attorneys for Plaintiff
27 NEVADA POWER COMPANY, a Nevada
corporation
28

1 Other Counsel for
2 Plaintiff Nevada Power Company:

3 DAVID S. McCREA, ESQ.
4 McCREA & McCREA
5 119 South Walnut Street
6 Post Office Box 1310
7 Bloomington, Indiana 47402
8 Telephone: (812) 336-4840

9 FREDERICK M. BARON, ESQ.
10 RUSSELL WILLS BUDD, ESQ.
11 JANE N. SAGINAW, ESQ.
12 BRIAN D. WEINSTEIN, ESQ.
13 PAUL F. DONSBACH, ESQ.
14 BARON & BUDD
15 3102 Oak Lawn Avenue, Suite 1100
16 Dallas, Texas 75219
17 Telephone: (214) 521-3605

18 MICHAEL T. GALLAGHER, ESQ.
19 CRAIG LEWIS, ESQ.
20 JOHN H. KIM, ESQ.
21 FISHER, GALLAGHER & LEWIS, L.L.P.
22 1000 Louisiana, 70th Floor
23 Houston, Texas 77002
24 Telephone: (713) 654-4433

25
26 P:\USERS\DNH\NVPOWER\MSJdams.sup

27

28

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of July, 1993, the foregoing SUPPLEMENT TO NEVADA POWER'S JULY 22, 1993 REPLY ON OR IN THE ALTERNATIVE, RENEWED MOTION PARTIAL SUMMARY JUDGMENT ON THE CALCULATION OF COMPENSATORY DAMAGES 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

Deborah H. Maloney
An employee of BRADLEY & MERRELL
c/o JONES, JONES, CLOSE & BROWN

BRADLEY & MERRELL
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 26, 1993

TO: Professor Warren

FAX #: 011 34 72 615592

PHONE #: 011 34 72 614197

FROM: RJ Straub

CLIENT/MATTER: Nevada Power v. Monsanto

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION:

Exhibit # 1118

NUMBER OF PAGES (including cover page): 22

MESSAGE: Please review this. This is a Monsanto document, and it is one ~~of~~ which we will be using at trial, and on which we would like you ~~to~~ to testify.

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
JONES, JONES, CLOSE & BROWN, CHARTERED
Seventh Floor — Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101-8026
(702) 385-4202

MESSAGE FROM XEROX 7024: (702) 385-1655

DATE: July 26, 1993

TO: Professor Warren

FAX #: 011 34 72 615592

PHONE #: 011 34 72 614197

FROM: R. I. Straub

CLIENT/MATTER: Nevada Power v. Monsanto

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION:

Exhibit # 1118

NUMBER OF PAGES (including cover page): 22

MESSAGE: Please review this. This is a Monsanto document, and it is one on which we will be using at trial, and on which we would like you to testify.

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 : 22

TOTAL PAGES CONFIRMED : 22

*** SEND ***

No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	34 972 301501	7-26-93 8:26AM	12'56"	22/ 22		COMPLETED 9600

TOTAL 0:12'56" 22

NOTE:

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