

MEMORANDUM

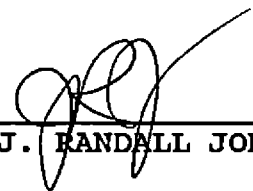
TO: Nevada Power vs. Monsanto File
FROM: J. Randall Jones
RE: Conference with Charles McCrea and Nik Skrinjaric
DATE: October 5, 1989

Stipulate to following:

1. Plaintiff knew it toxic, but not to the extent determined by EPA in hearings.
2. Were not out ahead of U.S. in determining degree of toxicity. Only entities that did know more about toxicity of PCB than U.S. were Defendants.
3. Were not involved or participated with U.S. in determining the level of toxicity.
4. Defendants were actively and fraudulently attempting to persuade EPA that PCB were not toxic or sufficiently toxic to require banning.

Therefore, Plaintiff never had as much information as Defendants in determining toxicity level of PCB's.

Chattanooga in reverse - Plaintiff in Chattanooga was found to have participated and therefore had notice - but if we didn't, does that mean we win because they didn't give us notice.



J. RANDALL JONES

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