

STEVEN R. KUNEY, ESQ.
DAVID C. KIERNAN, ESQ.
WILLIAMS & CONNOLLY
725 12th Street, N.W.
Washington, D.C. 20005
Telephone: (202) 434-5843

BRUCE ALVERSON, ESQ.
DAVID R. CLAYSON, ESQ.
ALVERSON, TAYLOR, MORTENSEN & NELSON
3821 West Charleston Blvd.
Las Vegas, Nevada 89102
Telephone: (702) 384-7000
Attorneys for Defendant GENERAL ELECTRIC COMPANY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NEVADA POWER COMPANY, a Nevada	)	
Corporation,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CV-S-89-555-LDG-LRL
	)	
MONSANTO COMPANY, a foreign cor-	)	
poration; GENERAL ELECTRIC COMPANY,	)	
a foreign corporation; WESTING-	)	
HOUSE ELECTRIC CORPORATION, a	)	
a foreign corporation; and DOES I	)	
through XXV, inclusive,	)	
	)	
Defendants.	)	

DEFENDANT GENERAL ELECTRIC COMPANY'S
INTERROGATORIES TO
TO PLAINTIFF NEVADA POWER COMPANY

Comes now the defendant, General Electric Company ("GE"), by and through its attorneys, and propounds the following interrogatories pursuant to Rule 33 of the Federal Rules of Civil Procedure to the Nevada Power Company to be answered separately and fully in writing under oath, within thirty (30) days of service.

EXHIBIT A

DEFINITIONS

The following definitions apply to these interrogatories:

A. "Plaintiff" includes named plaintiff and all of its agents, including agents which may have a separate corporate identity.

B. "Documents" means all written or printed matter of any kind, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced, including originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, including without limitation, correspondence, memoranda, notes, diaries, letter, telegraphs, telegrams, telexes, minutes, agendas, agreements, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, circulars, press releases, advertisements, books, prospectuses, interoffice and intra-office communications, written notations of conversations, summaries or written notations of meetings or conferences, bulletins, computer printouts, teletypes, telefax, invoices, worksheets, constitutions, by-laws, charters, resolutions, graphic or manual records or representations of any kind (including, without limitation, photographs, charts, graphs, Microfiche, microfilm, videotape, tape recordings, motion pictures), and electro-mechanical or electronic records or representations of any kind (including, without limitation, tapes, cassettes, discs, and

recordings), and all drafts, alterations, modifications, changes or amendments thereof.

C. The term "person" or "persons" includes not only natural persons, but also partnerships, associations, corporations, joint ventures, proprietorships, firms, syndicates, and all subsidiaries, affiliates, divisions, departments, branches or other units thereof.

D. The term "communication" refers to any written or oral transmission of information, belief or opinion including, but not limited to, any correspondence, letters, telegraphs, telexes, notes, memoranda, reports, circulars, press releases, discussions or conversations.

E. When referring to a person, "identify" means to give, to the extent known, the person's full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment: Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

F. When referring to a document, "identify" means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s).

G. When referring to an item of electrical equipment, the term "identify" means to give, the extent known, the item's (i) serial number; (ii) KVA rating; (iii) present

location; (iv) PCB concentration; and (v) type (e.g., underground transformer, overhead transformer, power capacitor, etc.).

H. When referring to a communication, "identify" means to give, to the extent known, the (i) type of communication; (ii) general subject matter; (iii) date of the communication; and (iv) the participants.

I. The term "you" and "your" refers to the Nevada Power Company.

J. The terms "concerning" and "referring or relating to" any given subject means any document that constitutes, contains, embodies, reflects, identifies, states, refers to, relates to, deals with, or is in any manner whatsoever pertinent to that subject, including without limitation, documents concerning the preparation of other documents.

K. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

L. The term "PCBs" refers to polychlorinated biphenyls, as well as related chemical compounds included in the definition of polychlorinated biphenyls set forth in Part 761.3 of Title 40 of the United States Code of Federal Regulations or any compound or mixture containing PCBs.

INSTRUCTIONS

A. If you are unable to respond to these interrogatories, specify your reasons for your inability to respond.

B. These interrogatories are continuing in nature. If, after responding to these interrogatories you obtain or become aware of any information responsive to any of these interrogatories, you are required to provide a supplementary response to such interrogatories.

INTERROGATORY NO. 1

Identify by author, title, and year of publication, the "twelve to fifteen scientific papers," that were published "[a]t or about" 1938, as described in Paragraph 19 of the Complaint.

INTERROGATORY NO. 2

Identify by author, title, and year of publication, the "scientific literature," described in paragraph 20 of the Complaint, that was published during "the 1940's" "warning the electrical industry . . . of the severe toxic consequences of exposure to PCBs."

INTERROGATORY NO. 3

Identify by author, title and date of publication, the "scientific articles," described in paragraph 22 of the Complaint, published "[d]uring the 1950's" "warning the electrical industry including these Defendants of the severe toxic consequences of exposure to PCBs."

INTERROGATORY NO. 4

Identify, by author, title and date of publication, the "published scientific studies," described in paragraph 23 of the Complaint, "that documented the global damage resulting from the unchecked disposal and other releases of PCBs into the environment."

INTERROGATORY NO. 5

Identify the "false documents," described in paragraph 27 of the Complaint, that were submitted by NEMA "to Federal agencies and hearing panels" in the 1970's.

INTERROGATORY NO. 6

Describe the "false information," referred to in paragraph 27 of the Complaint, you contend was submitted by NEMA "to Federal agencies and hearing panels" in the 1970's.

INTERROGATORY NO. 7

Identify the "PCB toxicological studies," described in paragraph 29 of the Complaint, that were "falsified and forged" by "Wright and Calandra" and the manner in which "all defendants used [those studies] in an attempt to deceive Congress and Federal agencies among others into believing that PCBs were harmless chemicals that should not be banned."

INTERROGATORY NO. 8

Identify all Nevada Power agents or employees who purchased, or participated in the decision to purchase "PCB electrical equipment," as that term is defined in your complaint, from defendant General Electric.

INTERROGATORY NO. 9

Identify all Nevada Power agents or employees who purchased, or participated in the decision to purchase electrical equipment from defendant General Electric containing less than 500 parts per million of PCBs.

INTERROGATORY NO. 10

Identify all Nevada Power agents or employees who actually relied upon false representations made by defendant General Electric when they purchased, or participated in the decision to purchase, "PCB electrical equipment," as that term is defined in your complaint, from defendant General Electric.

INTERROGATORY NO. 11

Identify all Nevada Power agents or employees who actually relied upon false representations made by defendant General Electric when they purchased, or participated in the decision to purchase, electrical equipment containing less than 500 parts per million of PCBs.

INTERROGATORY NO. 12

Identify all false statements you contend defendant General Electric made to Nevada Power about the safety of PCBs or PCB electrical equipment from January 1, 1955 through January 1, 1980. For each such false statement, identify

- (a) the individuals or entity who made the statement;
- (b) the date the statement was made;
- (c) where the statement was made;
- (d) the substance of the statement;

- (e) the Nevada Power agent or employee who heard the statement; and
- (f) the factual basis for your contention that the statement was false when made.

INTERROGATORY NO. 13

If you contend that any of the statements identified in response to No. 13 were made intentionally, identify the factual basis for your contention that such false statement was made intentionally by defendant General Electric.

INTERROGATORY NO. 14

Identify, by reference to the specific media source (name of television station, radio station, newspaper, magazine, journal, etc.), date of publication, and content of the advertisement, the "mass media advertising," referred to in paragraph 30 of the Complaint, in which defendant General Electric "represented to the public and NEVADA POWER that PCBs were safe and posed little if no danger to humans or the environment."

INTERROGATORY NO. 15

Identify any publication or document prepared by, disseminated by, or approved by defendant General Electric concerning PCBs or PCB equipment which was reviewed by an agent or employee of Nevada Power before purchasing any PCB electrical equipment from defendant General Electric.

INTERROGATORY NO. 16

To the extent not otherwise identified in your answers to Interrogatories 12 through 15 above, state all facts supporting your contention, in Paragraph 14 of the Complaint,

that defendant General Electric "intentionally and deliberately deceived and mislead Nevada Power in connection with NEVADA POWER's acquisition of the PCB electrical equipment that is the subject of this action."

INTERROGATORY NO. 17

With respect to your failure to warn claim, describe the warnings that you contend General Electric should have given to Nevada Power from 1955 to 1965 in connection with defendant General Electric's sale of "PCB electrical equipment," as that term is defined in the complaint, to Nevada Power.

INTERROGATORY NO. 18

With respect to your failure to warn claim, describe the warnings that you contend defendant General Electric should have given to Nevada Power from 1965 to 1970 in connection with defendant General Electric's sale of "PCB electrical equipment," as that term is defined in the complaint, to Nevada Power.

INTERROGATORY NO. 19

With respect to your failure to warn claim, describe the warnings that you contend defendant General Electric should have given to Nevada Power from 1970 to 1976 in connection with [GE/WE]'s sale of "PCB electrical equipment," as that term is defined in the complaint, to Nevada Power.

INTERROGATORY NO. 20

With respect to your "failure to warn" claim, describe the warning you contend should have been given to NEVADA POWER in connection with its purchase of electrical equipment containing less than 500 parts per million of PCBs.

INTERROGATORY NO. 21

If you contend that Nevada Power would have acted differently had it known of the facts identified in Interrogatories 17 to 20, identify what Nevada Power would have done differently, and the specific individuals at Nevada Power who would have taken such steps.

INTERROGATORY NO. 22

If you contend that a specific warning would have made "PCB electrical equipment" manufactured by defendant General Electric safe for use by Nevada Power at any time from 1950 to the present, describe that warning.

INTERROGATORY NO. 23

If you contend material facts were not disclosed to Nevada Power during its purchase of "PCB electrical equipment" from General Electric during the interval from 1955 to 1965, describe the specific facts you contend should have been provided to Nevada Power at the time such equipment was purchased.

INTERROGATORY NO. 24

If you contend material facts were not disclosed to Nevada Power during its purchase of "PCB electrical equipment" from defendant General Electric during the interval from 1965 to 1970, describe the specific facts you contend should have been provided to Nevada Power at the time such equipment was purchased.

INTERROGATORY NO. 25

If you contend material facts were not disclosed to Nevada Power during its purchase of "PCB electrical equipment" from defendant General Electric during the interval from 1970 to 1976, describe the specific facts you contend should have been provided to Nevada Power at the time such equipment was purchased.

INTERROGATORY NO. 26

For each fact you contend was not disclosed in response to Interrogatories 23 through 25, above, state when Nevada Power first learned of such fact.

INTERROGATORY NO. 27

If you contend that Nevada Power would have acted differently had it known of the facts identified in Interrogatories 23 to 25, identify what Nevada Power would have done differently, and the specific individuals at Nevada Power who would have taken such steps.

INTERROGATORY NO. 28

If you contend that defendant General Electric actively and intentionally concealed or suppressed facts relating to PCB electrical equipment from Nevada Power at the time Nevada Power purchased "PCB electrical equipment" from defendant General Electric, identify the facts you contend were concealed, when such concealment took place, and how defendant General Electric actively and intentionally concealed such facts.

INTERROGATORY NO. 29

If you contend that defendant defendant General Electric actively or intentionally concealed or suppressed facts relating to PCB electrical equipment from Nevada Power subsequent to the time Nevada Power purchased PCB electrical equipment from defendant General Electric, identify the facts you contend were concealed, when such concealment first took place, how the facts were actively and intentionally concealed, and when those facts became known to Nevada Power.

INTERROGATORY NO. 30

If you contend defendant General Electric possessed exclusive knowledge of facts relating to the safety of PCBs or PCB electrical equipment from January 1, 1955 through January 1, 1977, describe the facts General Electric had exclusive knowledge of, the basis for your contention that such facts were peculiarly in the knowledge of defendant, and the date when Nevada Power first learned of such facts.

INTERROGATORY NO. 31

If, with respect to Interrogatory No. 30 above, you contend Nevada Power was restricted or prevented from gaining knowledge of such facts, describe how Nevada Power was restricted from learning such facts.

INTERROGATORY NO. 32

Identify the specific facts Nevada Power discovered in 1988 which led NEVADA POWER to believe that defendant General Electric had engaged in active concealment of the hazards of

PCBs at the time Nevada Power purchased PCB electrical equipment from defendant General Electric.

INTERROGATORY NO. 33

If you contend that defendant General Electric acted with oppression, fraud or malice towards Nevada Power in connection with Nevada Power's purchase of PCB electrical equipment, state all facts which support such a contention.

INTERROGATORY NO. 34

Which of the mineral oil transformers purchased by Nevada Power from defendant General Electric that have detectable quantities of PCBs were cross-contaminated with PCBs by Nevada Power during servicing of those transformers by Nevada Power.

INTERROGATORY NO. 35

Which of the mineral oil transformers purchased by Nevada Power from defendant General Electric that have detectable quantities of PCBs were cross-contaminated during servicing by Nevada Power with PCBs that originated from electrical equipment manufactured by vendors other than General Electric.

INTERROGATORY NO. 36

Identify each and every Nevada Power employee who has suffered an adverse health effect as a result of exposure to PCBs.

INTERROGATORY NO. 37

Identify each and every Nevada Power employee who has suffered an adverse health effect as a result of exposure to mineral oil contaminated with PCBs.

ALVERSON, TAYLOR, MORTENSON
& NELSON

J. Bruce Alverson, Esq.
David R. Clayson, Esq.

3821 West Charleston Blvd.
Las Vegas, NV 89102

WILLIAMS & CONNOLLY

By


Steven R. Kuney, Esq.
David C. Kiernan, Esq.
725 12th Street, N.W.
Washington, D.C. 20005

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