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July 13, 1993

BY FEDERAL EXPRESS

Paul E. Merrell, Esq.
Bradley & Merrell
c/o Jones, Jones, Close & Brown
700 Valley Bank Plaza
300 South Fourth Street, Suite 700
Las Vegas, Nevada 89101-6206

Re: Nevada Power Litigation

Dear Paul:

Enclosed are documents numbered as follows responsive to various of plaintiffs' requests for production:

GENP019221 to GENP019239

GENP019760 to GENP019763

GENP019937 to GENP019974

Sincerely yours,



Robert J. Shaughnessy

Enclosures

MEMORANDUM

TO: Konrad Cailteux
cc: Peggy Leem
FROM: Paul Merrell, David Schalk
RE: Nevada Power v. Monsanto, et al
DATE: July 13, 1993

Thank you for your proposed dates for the depositions of Westinghouse officials currently noticed for next week. We believe we can work within the framework of your suggested dates and alternatives, with one possible exception that may interfere with your suggestions.

The concern arises from our understanding that Messrs. Bair and Bickerstaff would be offered as the persons most knowledgeable regarding alleged document destruction, but that neither of them have personal knowledge regarding what documents remain in the Industrial Hygiene collection. Since he is the head of the relevant department, we believe that Mr. Bickerstaff would be the designated PMK on the latter topic. We believe that the PMK on the continued existence of the records at issue must be a witness with personal knowledge, particularly if Westinghouse persists in its resistance to us reviewing the relevant documents ourselves or to conducting the relevant depositions on-site.

To that end, we note the uniform authority holding that a corporate party must offer Rule 30(b)(6) witness who is prepared to answer questions fairly within the scope of the noticed topic. If such a witness does not know the answers to such questions, the

corporate party must immediately provide another witness who has the answers. See e.g., Marker v. Union Fidelity Life Insurance Co., 125 F.R.D. 121 (M.D.N.C. 1989) (corporation has duty immediately to substitute another person at corporation's expense once the deficiency of its designee becomes apparent); see also Fed. Deposit Ins. Corp. v. Butcher, 116 F.R.D. 196 (E.D. Tenn. 1986), affirmed 116 F.R.D. 203 (court ordered Corporation to redesignate witness and provide written information in advance of second deposition where first witness was unprepared to speak for the entire corporation).

If we are to work within the framework of your proposed revised schedule, we request assurances that the 30(b)(6) designees actually be prepared to answer questions about the present existence or nonexistence of relevant records, and if they no longer exist, about the circumstances of their destruction.

Assuming we are correct that Mr. Bickerstaff would be the primary witness regarding such subjects, we believe it unworkable to complete his deposition in half of one day. If he is not to be the designee on that topic, we need to identify a different date for the portion of the PMK notice dealing with the relevant records continued existence.

We therefore propose the following revisions to your proposed schedule:

PMK with personal knowledge re doc. destr. -- July 20

Mr. Bickerstaff -- July 21 a.m.

Mr. Pitts -- July 21 p.m.

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Mr. Bair -- July 22

Mr. Wills -- fill any of preceding days where time allows or take on July 23, 11 a.m.

Ms. MacFarland -- fill any of preceding days where time allows or take on July 23, 9 a.m.

PMK re librarian -- July 23, 1 p.m.

Mr. McClain -- to be scheduled after availability determined.
(McClain would also be PMK on hazards and trade associations).

Mr. Paschke -- one day in the range of July 28-30.

Mr. Lawrence -- one day in the range of July 28-30.

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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 13, 1993

TO: Konrad Cailteux
Peggy A. Leen, Esq.

FAX #: (702) 366-0327

PHONE #: (702) 366-0622

FROM: Paul Merrell

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

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION:

NUMBER OF PAGES (including cover page): 4

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Peggy A. Leen, Esq.

FAX #: (702) 388-0327

PHONE #: (702) 388-0622

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