

MEMORANDUM

TO: NEVADA POWER COMPANY
FROM: CHARLES H. McCREA, SR.
RE: NEVADA POWER CO. v. MONSANTO, et al.;
INSPECTION OF DOCUMENTS IN NEVADA POWER LIBRARY
DATE: OCTOBER 6, 1989

In the course of their discovery, the Defendants in the above-captioned action (Monsanto Company, General Electric Company and Westinghouse Electric Corporation) seek access to certain documents of Nevada Power Company, among them (1) what periodicals, publications, scientific journals and other written material Nevada Power has regarding PCBs (2) what Nevada Power has in its media files, and (3) what records Nevada Power has regarding PCB spills.

It would be immensely burdensome for us to package and deliver to the Defendants copies of the thousands of documents on PCBs sought by Defendants, particularly in view of the fact that these documents are not indexed and that we might miss some. Accordingly, the logical procedure is to make the documents available at Nevada Power's headquarters to the Defendants' counsel for their inspection and selective copying.

1. Publications, Scientific Journals, Etc.

Mr. Fabbi has informed me that documents of this nature are retained in Nevada Power's library, which is opened during business hours daily (8:00 a.m. to 5:00 p.m.), and that the librarian's name is Sharon Kuhns.

We propose to instruct the Defendants' counsel as follows:

1. Nevada Power has a library containing many documents on PCBs.

2. The library is opened from 8:00 a.m. to 5:00 p.m. on business days and the librarian's name is Sharon Kuhns.

3. Defendants' counsel may browse through the library of PCB publications, etc. and identify the documents they want copied.

4. Nevada Power will make copies of the documents (or have copies made) at the defendants' expense.

5. Defendants must call Ms. Kuhns (367-5055) and Jones, Jones, Close & Brown, Chartered, at least one half hour before appearing at the library.

Ms. Kuhns should be responsible for seeing that the copying gets done, whether in-house or by a copying service, and in any event at Defendants' expense. Defendants should identify for Ms. Kuhns the documents they want copied. Ms. Kuhns should secure enough copies to satisfy the defendants' requirements and have one additional copy of each document made for Jones, Jones, Close & Brown.

2. Media File.

Mr. Don Fabbi, Manager of Safety Services for Nevada Power, is the Custodian of Nevada Power's media files in respect of PCB and PCB incidents. Defendants may inspect these documents by appointment with Mr. Fabbi, whose telephone number is 367-5161 after notifying Jones, Jones, Close & Brown, Chartered. As in

the case of library documents, Defendants should identify the documents that they want copied. Those documents will be copied at their expense, and a copy of each document so copied should be sent to Jones, Jones, Close & Brown. Mr. Fabbi will determine whether he thinks it is necessary to have a clerk or other person on hand continuously while the documents are being inspected.

3. Customer Complaints Re. PCBs.

Two types of documents in this category are specifically requested (by Monsanto) to be produced:

(i) "All documents concerning communications between plaintiff and any of its employees or customers concerning PCBs or the presence or use of PCBs in electrical equipment;"

(Monsanto #7), and

(ii) "All documents relating to any litigation concerning in any way PCBs or PCB equipment in which plaintiff has been involved or participated." (Monsanto #30).

Mr. Fabbi is the Custodian of customer complaints regarding PCBs, and as in the case of the media files, Defendants should make an appointment with him to examine these records. The same procedures will apply as in the case of the media files, both with respect to copying and the necessity or desirability of having a clerk or other personnel present while these files are being inspected.

Documents relating to PCB litigation will be made available through Mr. Fabbi or Mr. Hinckley, Assistant Chief Counsel.

If there are any questions, please call Mr. McCrea or
Mr. Skrinjaric at 385-4202.

cc: M. Gene Matteucci, Esq.
John McCarthy
Don Fabbi

1076H

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Richard Hinkley

at Telecopy Number: 367-5169

Verification Number business: _____

FROM:

Charles H. McCrea, Sr.

CLIENT/MATTER:

DV Power/Monsanto (PCBs)

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