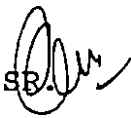


MEMORANDUM

TO: FILE

FROM: CHARLES H. MCCREA, SR. 

RE: NEVADA POWER COMPANY V. MONSANTO COMPANY, et al.
Our File No. 11927.2

DATE: APRIL 26, 1989

Attached is a draft of a Complaint that I have prepared in connection with the above matter. At this time we do not know whether this Complaint ever will be filed, but these defendants yield only with great reluctance and take no prisoners. It is important therefore that we keep our muskets loaded and our powder dry.

We need a few matters researched in connection with this Complaint. We do not need an analysis of each point. All we need is the conclusion together with copies of (i) any applicable statute, (ii) the best Nevada case on the point and (iii) the most recent Nevada case on the point. [If there are no Nevada cases, so state and append the best cases you can find.] Copies of the applicable statute and of each case should be appended to the Memorandum.

As you will note, the Complaint sets forth four claims for relief: (1) indemnity, (2) nuisance, (3) fraud and misrepresentation and (4) punitive damages. The questions to be answered, in the format of the preceding paragraph, are the following:

1. With respect to each claim for relief, what is the statute of limitations?

2. With respect to each claim for relief, what is the rule in Nevada regarding discovery; i.e., when is a plaintiff deemed to have learned of his injury?

3. With respect to each claim for relief, find and attach a copy of the most important Nevada case discussing the elements of the tort complained of.

4. If Nevada has a statute of repose with respect to products liability, attach a copy of the statute with the most important Nevada case on the subject.

5. If Nevada has a fraudulent concealment rule tolling the statute of limitations when material facts have been concealed, attach a copy of the statute together with the best Nevada case on the subject.

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