

Date: February 12, 1992
To: Chuck McCrea
From: Paul Merrell
Re: Nevada Power decision

Chuck --

When you send the corrections to the Ninth Circuit, they would probably appreciate it if you also called to their attention a minor grammatical error on page 1185 that flaws an otherwise polished argument on the fraud issue.

The second paragraph on that page states that "Nevada case law has carved out an exception to the statutory limitations rule where," etc. While this is technically accurate, it perhaps leaves too much unsaid for those not familiar with the statute, which incorporates the discovery rule. I'd suggest adding the word "discovery" after the "statutory limitations" phrase, so the passage reads, "an exception to the statutory limitations discovery rule."

While I'm obviously prejudiced, I am very impressed with the prose in the fraud section of the opinion. The slight blemish irritates precisely because the rest of the argument is so polished.

I'll leave it in your capable judgment on whether to suggest this change.

Please tell Loy and the family hello for me.

-- Paul