

Telephone: (702) 385-4202

BRADLEY & MERRELL
c/o Jones, Jones, Close & Brown
300 South Fourth Street, Seventh Floor
Las Vegas, Nevada 89101-6026

Fax: (702) 385-1655

July 23, 1993

VIA HAND DELIVERY

Honorable Lawrence R. Leavitt
Magistrate Judge of the United States District Court
District of Nevada
300 Las Vegas Boulevard South
Las Vegas, Nevada 89101

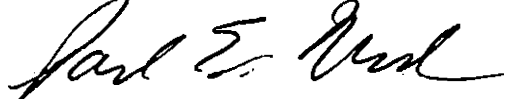
Re: Nevada Power Company v. Monsanto Company, et al.
USDC, District of Nevada Case CV-S-89-555-LDG (LRL)

Dear Judge Leavitt:

Enclosed is a draft of the Master Stipulated Order that may need a short discussion at the hearing this morning at 10:00.

Sincerely,

BRADLEY & MERRELL



PAUL E. MERRELL
Coordinating Attorney

PEM:bjb

cc: Konrad L. Cailteux, Esq.
John Tatlock, Esq.
Robert J. Shaughnessy, Esq.

evglcorlleavitt.102

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DRAFT

NEVADA POWER COMPANY, etc.,
Plaintiff,
vs.
MONSANTO COMPANY, etc., et al.,
Defendants.

CASE CV-S-89-555-LDG (LRL)
STIPULATED ORDER
JULY 22, 1993 4 P.M. DRAFT

All parties to this action, through undersigned counsel, agree and stipulate that certain depositions noticed by the parties prior to July 23 either should occur or require further discussion among the parties:

A. The following depositions should be allowed to be taken following the July 23, 1993 fact deposition deadline. The parties should be instructed to meet and confer in good faith regarding the dates for the depositions.

1. Ron Lawrence, previously noticed by Nevada Power Company. (Already approved by existing order).
2. Raymond Paschke, previously noticed by Nevada Power Company. (Already approved by existing order).
3. Roger Wills, previously noticed by Nevada Power Company. (Already approved by existing order).
4. Robert Don McClain, previously noticed by Nevada Power Company. (Already approved by existing order).
5. Jeff Bair, personal capacity and 30(b)(6), previously noticed by Nevada Power Company. (Already approved by existing order.)
6. Completion of John Brown of G.E., previously noticed

- 1 by Nevada Power Company.
- 2 7. Subpoena deposition of Fluor Power Services, Inc.,
- 3 previously noticed by General Electric. (Nevada Power
- 4 does not object to taking of deposition but reserves
- 5 right to object at trial to use of documents obtained
- 6 through subpoena duces tecum after deadline for
- 7 written discovery)
- 8 8. Continuation of Dennis Schwehr deposition previously
- 9 noticed by Monsanto.
- 10 9. Continuation of Plaintiff Nevada Power Company's March
- 11 12, 1993 Notice of taking deposition of defendant
- 12 Westinghouse Electric Corporation pursuant to FRCP
- 13 30(b)(6) except as to subtopic "8" (eight) of
- 14 "Attachment A." Nevada Power and Westinghouse
- 15 stipulate that Westinghouse reserves its right under
- 16 the Federal Rules of Civil Procedure to designate
- 17 appropriate person or persons, and the parts of the
- 18 notice to which those persons will respond, and that
- 19 Nevada Power reserves its right to contest the
- 20 adequacy of those designations. The parties
- 21 contemplate that the deposition regarding topic "3"
- 22 (three) of the notice would take place after the Court
- 23 has had an opportunity to rule on Westinghouse's claim
- 24 to privilege as to documents submitted in camera
- 25 pursuant to Sections 4 and 5 of the Court's Order of
- 26 July 16, 1993.
- 27 10. Subpoena duces tecum to Edison Electric Institute,
- 28 previously noticed by Westinghouse (Nevada Power does

not object to taking of deposition but reserves right to object at trial to use of documents obtained through subpoena duces tecum after deadline for written discovery)

11. 30(b)(6) notice to Nevada Power regarding distribution systems, previously noticed by Westinghouse.

B. As to the following depositions, the parties have not agreed that they should be taken, are negotiating in good faith, but reserve the right to move for protective orders at a later time. The parties agree that the fact such depositions were not taken on or before July 23, 1993 should not be considered by the Court in ruling on such motions for protective orders. The parties should be instructed to meet and confer in good faith regarding the need for and/or dates of the depositions.

12. Manny Neal, previously noticed by Nevada Power Company.

13. 30(b)(6) notice to G.E. regarding document retention policies and practices with respect to PCB-related documents, previously offered by G.E. in lieu of taking the personal deposition of Manny Neal and subject to the agreement among counsel to reevaluate the need for Mr. Neal's deposition following completion of this 30(b)(6) deposition.

14. 30(b)(6) notice to G.E. regarding warnings, previously noticed by Nevada Power Company.

15. Dr. Emmett Kelly, previously noticed by Nevada Power Company.

16. Richard Mahoney, previously noticed by Nevada Power

Company.

17. 30(b)(6) notice to Monsanto regarding IBT (continuation of Levinskis portion), previously noticed by Nevada Power.

18. 30(b)(6) notice to Monsanto regarding Exhibits 422 and 1118 continuation regarding incorporated document claimed privileged.

19. 30(b)(6) notice to Nevada Power re G.E. interrogatories, previously noticed by General Electric.

UNDER DISCUSSION FOR INCLUSION IN STIP

20. Deposition of Custodian of Records for each party solely to authenticate documents and to determine their status under the Rules governing admissibility of hearsay evidence (to the extent the documents are not otherwise authenticated through agreement of the parties or responses to prior discovery requests seeking authentication/hearsay status). Approved by Monsanto and Nevada Power in principle, still open on specific language.

C. Notices on which Monsanto and Nevada Power are seeking guidance of Court regarding whether they belong in category A or category B above, but stipulated that they belong in one or the other.:

21. 30(b)(6) notice to Nevada Power re reliance, previously noticed by Monsanto.

22. 30(b)(6) notice to Nevada Power re property damages, previously noticed by Monsanto.

1 DATED: July __, 1993

BRADLEY & MERRELL
RALPH A. BRADLEY
PAUL E. MERRELL

4 By: _____

PAUL E. MERRELL
Coordinating Attorney
BRADLEY & MERRELL
c/o JONES, JONES, CLOSE & BROWN
300 South Fourth St., Suite 700
Las Vegas, Nevada 89101
(702) 385-4202

Attorneys for Plaintiff
NEVADA POWER COMPANY, a Nevada
corporation

11 DATED: July __, 1993

THORNDAL, BACKUS, MAUPIN &
ARMSTRONG

14 By: _____

JOHN L. THORNDAL
THORNDAL, BACKUS, MAUPIN
& ARMSTRONG
1100 East Bridger Avenue
Las Vegas, NV 89101
(702) 366-0622

Attorneys for Defendants
MONSANTO COMPANY and
WESTINGHOUSE ELECTRIC CORPORATION

21 DATED: July __, 1993

ALVERSON, TAYLOR, MORTENSEN
& NELSON

23 By: _____

J. BRUCE ALVERSON
ALVERSON, TAYLOR, MORTENSEN
& NELSON
3821 W. Charleston Blvd.
Las Vegas, Nevada 89102
(702) 384-7000

Attorneys for Defendant
GENERAL ELECTRIC COMPANY

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IT IS SO ORDERED.

Magistrate Judge
United States District Court

DATED: _____

pcmlavpower\master.stp

BRADLEY & MERRELL
c/o JONES, JONES, CLOSE & BROWN, CHARTERED
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 23, 1993.

TO: John Tatlock, Esq.	FAX #: (303) 291-3334
	PHONE #: (303) 291-3000
TO: Robert J. Shaughnessy, Esq.	FAX #: (202) 434-5029
	PHONE #: (202) 434-5843
TO: Konrad L. Cailteux, Esq.	FAX #: (212) ³¹⁰⁻⁸⁵¹⁶ 310-8007 OR
	(212) 735-4657
	PHONE #: (212) 310-8000

FROM: Paul E. Merrell

MATTER/MATTER NO.: Nevada Power v. Monsanto, et al., #11927.2

DOCUMENT(S) DESCRIPTION: July 23 ,1993 letter addressed to Honorable Lawrence R. Leavitt enclosing a copy of the Master Stipulated Order

NUMBER OF PAGES (including cover page): Eight (8)

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PHONE #: (202) 434-5843
TO: Konrad L. Caliteux, Esq. FAX #: (212) 310-8007 QB
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TO: Konrad L. Celiteux, Esq. FAX #: (212) 310-8516
~~(212) 310-8000~~
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