

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * * * *

COPY

NEVADA POWER COMPANY, a Nevada
corporation,

PLAINTIFF,

vs.

MONSANTO COMPANY, ET AL.,

DEFENDANTS.

CV-S-89-555-LDG-LRL

DEPOSITION OF M. GENE MATTEUCCI

TAKEN FRIDAY, OCTOBER 27, 1989

9:10 A.M.

AT THE LAW OFFICES OF THORNDAL, BACKUS, MAUPIN & ARMSTRONG
1100 EAST BRIDGER AVENUE
LAS VEGAS, NEVADA

REPORTED BY MARIJANE W. SIMON, C.P., C.M.
C.S.R. CERTIFICATE NO. 54
604 SEA PINES LANE
LAS VEGAS, NV 89107
(702) 877-3267

MARIJANE SIMON, C.S.R.

1 A I have one myself. I did go through that. I
2 went through the agendas. I retained the agendas, and I
3 went through that, yes.

4 Q Well, I may be a little confused here.
5 How many briefing books have been retained
6 over the last six years? Is it just one, or is it one per
7 meeting?

8 A No. No. It's one for each member for the
9 year.

10 Q I see.

11 A They each have an individual briefing book
12 now that contains the information which you're referring to
13 on the items presented to the board. She keeps those.

14 And she brings them up to date.

15 Some of the members may take something out of
16 that with them when they leave a meeting, and they may not.
17 You know, I'm not privy to going through their books, but I
18 am given one also. And I retain my own.

19 Q And so those individual documents are in
20 loose-leaf format, and they can be replaced or changed out
21 from meeting to meeting; is that correct?

22 A Yes. They can be. But I --

23 Q Depending on agenda items?

24 A Yes. But they generally -- Generally not.
25 They're generally kept for an annual thing. And if a

1 (Indicating) -- for instance, monthly financial statement --
2 if a director wants to take with them -- takes it. I don't
3 know.

4 Q Could be any notes --

5 A What's in each member's book -- I know what's
6 put in it prior to the meeting or during the meeting, but I
7 don't know what's left in it when they leave. Except my
8 own.

9 Q Have any materials or documents ever been
10 included in those briefing books to board members that dealt
11 with PCB's or PCB equipment?

12 A I don't know.

13 Q Who would know if such PCB-related material
14 was ever included in a briefing book to the board members?

15 A Other than what was on the agenda, are you
16 talking about?

17 Q Yes, sir.

18 A Without going through every book -- and by
19 that, the reason I say that, Mr. Tatlock, is, you'll have an
20 agenda -- and with the agenda would be the back-up paper.
21 Concerning that.

22 But also, there may be industry periodicals
23 or something thrown in to them for their own benefit, if
24 they want to take them or not, that wouldn't be listed on an
25 agenda.

1 Q But those would be materials provided in the
2 briefing book?

3 A They would be in the book, yes, that was
4 presented to them. But you'd never know what it was or --
5 have no idea. You just wouldn't know, because it wouldn't
6 be listed on the agenda.

7 Q Who would determine whether, let's say, a
8 publication relating to PCB's would be included in those
9 briefing books?

10 A Oh, the CEO, I think.

11 Q Are those additional materials, such as the
12 PCB-related publication -- hypothetical PCB publications
13 that we've been talking about -- would they be retained in
14 the briefing book materials that Nevada Power has kept over
15 the last six years?

16 A You'd have to examine every book, Mr.
17 Tatlock.

18 Q Are those books available for examination?

19 A I don't know. I know she keeps them, but I
20 don't know for what period of time. I have no idea.

21 Q Did the Secretary to the President review the
22 briefing books for PCB-related materials in response to the
23 defendants' discovery request?

24 A No. I didn't request it. Never. I just
25 went through my own book, as I said -- mine wouldn't be like

1 theirs -- and I didn't find anything.

2 MR. TATLOCK: I would ask of Nevada Power
3 counsel that a review of the briefing book background
4 materials be conducted and any documents responsive to
5 defendants' discovery requests be produced.

6 THE WITNESS: No problem.

7 MR. SKRINJARIC: Request noted.

8 MR. TATLOCK: Thank you.

9 Q Mr. Matteucci, are there -- have there been,
10 since 1974, any company groups or task forces at Nevada
11 Power responsible for PCB's?

12 A Other than what I described for Miss Leen,
13 no.

14 Q Since 1974, when you assumed the position as
15 Chief Counsel, Mr. Matteucci, how many attorneys have worked
16 in the Legal Department?

17 A In-house you're talking about?

18 Q Yes, sir.

19 A Four.

20 Wait a minute. Wait a minute.

21 Actually, I don't know how you want to
22 classify this. Five.

23 There was one member from the outside firm
24 that took over for me when I had the heart attack, for about
25 five or six months, and he spent a lot of time up there.