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ATTORNEYS AND COUNSELORS AT LAW

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ONE MERCANTILE CENTER

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CLIENT AND MATTER NOS: _____ / _____ DATE: 11-24-93

PLEASE DELIVER THE FOLLOWING:

TO: Paul Merrell FAX NO.: 503 528-7105

COMPANY: Bradley & Merrell PHONE #: _____

FROM: Bruce D. Ryder Ext. No. _____

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MESSAGE FROM SENDER:

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November 24, 1993

VIA FACSIMILE

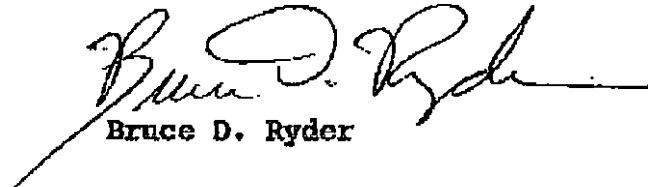
Paul E. Merrell, Esq.
Bradley & Merrell
7493 East Five Rivers Road
Tidewater, OR 97390

Re: Gaffey v. Montague

Dear Paul:

Attached is a copy of the affidavit of Dr. William P. Hamilton, personal physician for Dr. R. Emmett Kelly, filed in the Nevada Power case and stating that Dr. Kelly's health will not permit him to testify at the present time. Please let me know if this affidavit is sufficient to excuse Dr. Kelly from testifying in this matter or if you desire additional information from Dr. Hamilton.

Very truly yours,



Bruce D. Ryder

BDR/ddc
Attachment

810 193

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NEVADA POWER COMPANY, A
Nevada corporation,

Plaintiff,

v.

MONSANTO COMPANY, a foreign
corporation; GENERAL ELECTRIC
COMPANY, a foreign corporation;
WESTINGHOUSE ELECTRIC
CORPORATION, a foreign
corporation; and DOES I
through XXV, inclusive,

Defendants.

STATE OF MISSOURI)
) ss.
COUNTY OF ST. LOUIS)

AFFIDAVIT OF DR. WILLIAM P. HAMILTON

I, Dr. William P. Hamilton, hereby state under oath:

1. I am a medical doctor and Chief of Cardiology at
St. John's Mercy Medical Center in St. Louis, Missouri. I am
board certified in cardiology. This affidavit is based upon my
personal knowledge and my professional judgment.

2. Dr. R. Emmet Kelly is my patient and has been for
approximately seven years. Dr. Kelly is now 83 years of age.

3. Last March, Dr. Kelly suffered an episode of
significant congestive heart failure, resulting in marked
shortness of breath and severe exhaustion. When I examined him,
it was my opinion that it was essential for Dr. Kelly's well-
being to curtail his schedule of activities. For persons of his
age, the recuperative period is often lengthy. To maximize his

1 recuperation, I instructed Dr. Kelly to get plenty of rest and
2 avoid stressful activities.

3 4. I am aware that, as a result of his career as
4 Medical Director for Monsanto Company, Dr. Kelly has been
5 regularly asked to give deposition and trial testimony. Given
6 the stressful nature of such activities, I instructed Dr. Kelly
7 to avoid subjecting himself to deposition or trial testimony
8 until such time as I release him to resume such activities.

9 5. It is my opinion that Dr. Kelly's recuperation
10 could be adversely affected by the stressful situation of
11 providing testimony in a deposition or trial. It is my
12 professional medical opinion that at the present time, Dr. Kelly
13 should not be required to sit for a deposition.

14
15 Executed on August 6th, 1993 St. Louis, Missouri.

16 W P Hamilton M.D.
17 William P. Hamilton, M.D.

18
19 Subscribed and sworn to before me this 6th day of
20 August, 1993, by William P. Hamilton, M.D.

21 Josephine S. Melick
22 Notary Public

23 (s o s l)

24 My Commission expires:

25 JOSEPHINE S. MELICK
26 NOTARY PUBLIC STATE OF MISSOURI
27 ST. LOUIS COUNTY
28 MY COMMISSION EXPIRES JAN. 15, 1995