

MEMORANDUM

TO: Paul Merrell and File
FROM: Ralph Bradley *Dictated but not read*
RE: Nevada Power Company v. Monsanto Company, et al.
DATE: July 13, 1993

At yesterday's deposition of Bill Papageorge (30(b)(6) on sales to vendees) we learned Elmer Wheeler assembled (edited) Exhibit 1118 (422). The authors were the Ad Hoc Committee. Two were members of the business group (Dr. Farrar and Dr. Richard), one was a member of the manufacturing department (Paul Hodges), and the remaining two were members of Monsanto's public relations and medical departments.

Papageorge said this exhibit was a draft and was used to prepare a report with eight to twelve recommendations that were presented to a top seller committee on corporate policy for PCBs. Emmet Kelly and Elmer Wheeler prepared the medical portion of the report, Howard Bergen and James Springate prepared the remainder. Their report went to this top select committee which included Monsanto's Chairman of the Board and its V.P. and general counsel.

Papageorge also said that Wheeler told him the graphs appended to this 1969 exhibit were not part of the report given to the select committee because it was all conjecture.

NOTE - For your moot court session with Burge & Wettermark, look at Benignas deposition where he said that document which *is* fairly good at describing harmful health effects and precautions

Memorandum to PEM and File
July 13, 1993
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was intended only for internal use and was not to be distributed outside Monsanto. It is interesting to compare the information in that document with what Monsanto was telling the public.

PEM:dd
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Telephone: (702) 385-4202

BRADLEY & MERRELL

Fax: (702) 385-1655

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

July 13, 1993

Via Fax

Konrad Cailteux, Esq.
(212) 312-8007

Peggy Leen, Esq.
(702) 366-0622

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

Dear Counsel,

It has come to our attention that Westinghouse's response to Request No. 26 Nevada Power's March 18, 1993 Subpoena Duces Tecum appears inadequate and vague. You mentioned in yesterday's phone conference that Westinghouse has documents supporting your position that a search has been conducted and that no documents were destroyed. We suggest that the documents supporting your response to this request be submitted to Judge Leavitt for in camera review to determine whether they are in fact privileged or protected from discovery.

I have enclosed a copy of the relevant page from Westinghouse's response. I suggest we discuss this issue during this afternoon's phone conference.

Sincerely,

BRADLEY & MERRELL

Deborah N. Mailander

DEBORAH N. MAILANDER

enclosure

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lead to the discovery of admissible evidence. Without prejudice to or waiver of its objections, Westinghouse responds by stating that to the best of its knowledge, information and belief, no documents were discarded, disposed of, or removed from Westinghouse's possession, custody or control in response to, or as a result of, the Industrial Hygiene document retention proposal discussed in the Draft Memo.

REQUEST NO. 26 Produce any and all documents discussing, examining, or reporting on investigations into whether any or all documents included in the system of records reviewed and inventoried as described in pages one through seven of the attached copy of Exhibit 1212 were destroyed, disposed of, or otherwise removed from Westinghouse's possession, custody, or control after Exhibit 1212 was generated.

RESPONSE: Westinghouse objects to Request No. 26 on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Without prejudice to or waiver of its objections, Westinghouse responds by stating that to the best of its knowledge, information and belief, no documents were discarded, disposed of, or removed from Westinghouse's possession, custody or control in response to, or as a result of, the Industrial Hygiene document retention proposal discussed in the Draft Memo.

REQUEST NO. 27 Produce any and all indices, inventories, or other records of documents contained in the systems of records described in pages one through seven of the attached copy of Exhibit 1212 at the time Exhibit 1212 was generated.

RESPONSE: Westinghouse objects to Request No. 27 on the grounds that the terms "indices" and "inventories" are vague and

BRADLEY & MERRELL
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 13, 1995

TO: Konrad Cailteux

FAX #:

Peggy Leen

PHONE #:

FROM: Deb Mailander

CLIENT/MATTER: Nevada Power v. Monsanto.

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION:

NUMBER OF PAGES (including cover page):

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BRADLEY & MERRELL
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Seventh Floor — Bank of America Plaza
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