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July 21, 1993

VIA FAX

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Washington, D. C. 20005

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

Dear Counsel:

Enclosed please find the July 21, 1993 2:00 p.m. draft of the Stipulated Order that Judge Leavitt directed our office to coordinate. This draft reflects all nominations received to date for both categories A and B.

The names included in category A are those either already approved by previous Court order or agreed to by both the noticing and defending party. The "under discussion" deposition of the custodian of records is John Tatlock's suggestion, which I have elaborated on to include the language relating to hearsay.

All Defense Counsel
July 21, 1993
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Thank you for your cooperation on this matter. I believe that together we can do a good job of ensuring that all parties either get the remaining depositions they wish to have taken or at least reserve the right of filing motions to compel or for protective orders regarding uncompleted depositions.

Best regards,

Sincerely,

BRADLEY & MERRELL



PAUL E. MERRELL
Coordinating Attorney

PEM:lsg

cc: Michael T. Gallagher
John H. Kim
David McCrea
Barbara Banks

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 NEVADA POWER COMPANY, etc.,) CASE CV-S-89-555-LDG (LRL)
4 Plaintiff,) STIPULATED ORDER
5 vs.) JULY 21, 1993 2 P.M. DRAFT
6 MONSANTO COMPANY, etc., et al.,)
7 Defendants.)
8

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

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

- 17 1. Ron Lawrence, previously noticed by Nevada Power
18 Company. (Already approved by existing order).
19 2. Raymond Paschke, previously noticed by Nevada Power
20 Company. (Already approved by existing order).
21 3. Roger Wills, previously noticed by Nevada Power
22 Company. (Already approved by existing order).
23 4. Robert Don McClain, previously noticed by Nevada Power
24 Company. (Already approved by existing order).
25 5. Jeff Bair, personal capacity and 30(b)(6), previously
26 noticed by Nevada Power Company. (Already approved by
27 existing order.)
28 6. Completion of John Brown of G.E., previously noticed

- 1 by Nevada Power Company.
- 2 7. Retaking of 30(b)(6) notice to G.E. regarding alleged
- 3 evidence destruction, previously noticed by Nevada
- 4 Power Company.
- 5 8. Retaking of 30(b)(6) notice to G.E. regarding warnings
- 6 to trade associations, previously noticed by Nevada
- 7 Power Company.
- 8 9. Subpoena deposition of Fluor Power Services, Inc.,
- 9 previously noticed by General Electric.
- 10 10. Manny Neal, previously noticed by Nevada Power
- 11 Company.
- 12 11. Continuation of Dennis Schwehr deposition previously
- 13 noticed by Monsanto.

14 B. As to the following depositions, the parties have not

15 agreed that they should be taken, are negotiating in good faith, but

16 reserve the right to move for protective orders at a later time. The

17 parties agree that the fact such depositions were not taken on or

18 before July 23, 1993 should not be considered by the Court in ruling

19 on such motions for protective orders. The parties should be

20 instructed to meet and confer in good faith regarding the need for

21 and/or dates of the depositions.

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23 UNDER DISCUSSION FOR INCLUSION IN STIP

- 24 12. Dr. Emmett Kelly, previously noticed by Nevada Power
- 25 Company.
- 26 13. Richard Mahoney, previously noticed by Nevada Power
- 27 Company.
- 28 14. 30(b)(6) notice to Nevada Power re reliance,

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previously noticed by Monsanto.

15. 30(b)(6) notice to Nevada Power re property damages,
previously noticed by Monsanto.

16. 30(b)(6) notice to Nevada Power re G.E.
interrogatories, previously noticed by General
Electric.

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

18. 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).

19.

DATED: July __, 1993

BRADLEY & MERRELL
RALPH A. BRADLEY
PAUL E. MERRELL

By: _____
PAUL E. MERRELL
Coordinating Attorney
BRADLEY & MERRELL
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(702) 385-4202

Attorneys for Plaintiff
NEVADA POWER COMPANY, a Nevada
corporation

1 DATED: July __, 1993

THORNDAL, BACKUS, MAUPIN &
ARMSTRONG

By: _____

JOHN L. THORNDAL
THORNDAL, BACKUS, MAUPIN
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(702) 366-0622

Attorneys for Defendants
MONSANTO COMPANY and
WESTINGHOUSE ELECTRIC CORPORATION

10 DATED: July __, 1993

ALVERSON, TAYLOR, MORTENSEN
& NELSON

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

IT IS SO ORDERED.

Magistrate Judge
United States District Court

DATED: _____

pcml\avpower\master.stp

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DATE: July 21, 1993

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FROM: Paul E. Merrell

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

DOCUMENT(S) DESCRIPTION: Letter enclosing July 21, 1993 2:00 p.m. draft of the Stipulated Order

NUMBER OF PAGES (including cover page): Seven (7)

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