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July 19, 1993

BY FEDERAL EXPRESS

Deborah N. Mailander
Bradley & Merrell
c/o Jones, Jones, Close & Brown
700 Valley Bank Plaza
300 South Fourth Street, Suite 700
Las Vegas, Nevada 89101-6206

Re: Nevada Power Litigation

Dear Deborah:

Enclosed are extra copies of GE's responses to Nevada Power's various May 14 requests for production. These pleadings were served on Bradley & Merrell by first-class mail on June 18.

Sincerely yours,



Robert J. Shaughnessy

JUL-19-1993 11:54 FROM WEIL GOTSHAL & MANGES

TO

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WEIL, GOTSHAL & MANGES

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
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July 19, 1993

Joseph Yost, Esq.
Edison Electric Institute
1111 19th Street, N.W.
Washington, D. C. 20036

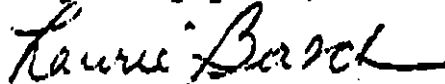
Re: Nevada Power Company v. Monsanto Company, et al.

Dear Mr. Yost:

As we discussed, attached please find the Scheduling Order that was issued by the Magistrate in the above-referenced case.

Please call me this afternoon regarding our request to review documents at your offices prior to the deposition which is scheduled for July 22, 1993 at 10:00 a.m.

Very truly yours,



Laurie Basch

LB:ap
Attachment

cc: Arvin Maskin, Esq. (w/o attach.)
Konrad L. Cailteux, Esq. (w/o attach.)

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CASE NO. 89-555-LDC
BY *[Signature]*
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SERVED
APR 9 1993
U.S. DISTRICT COURT
DISTRICT OF NEVADA
BY: *[Signature]*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NEVADA POWER COMPANY,
Plaintiff,

v.

CV-8-89-555-LDC (LAL)

MORGANTHO COMPANY, et al.,
Defendants.

MEMORANDUM ORDER AND LITIGATION PLAN

The Court has considered Plaintiff's Corrected March 4, 1993 motion to Extend Discovery (#323, filed March 22, 1993), Defendants' Joint Opposition thereto and Cross-Motion for Alternative Discovery Schedule and Litigation Plan (#324, filed March 22, 1993), and the arguments and representations made by counsel during the hearing conducted on March 25, 1993. Based thereon, the following scheduling order and litigation plan are established.

1. The parties shall [serve all written discovery requests, including interrogatories, requests to produce documents and requests for admissions, no later than May 16, 1993.] Responses to

3. Plaintiff may submit up to 700 documents to Defendants collectively, in addition to those previously submitted in Plaintiff's first request for admissions, and Defendants shall indicate by stipulation for each whether the document is authentic pursuant to Fed. R. Evid. 901 or 902, and whether it is a business record pursuant to Fed. R. Evid. 903(e). Defendants may likewise collectively submit 700 documents to Plaintiff for similar stipulation. All requests for stipulation shall be submitted by May 14, 1993, and responses shall be due no later than June 18, 1993.

4. Plaintiff shall serve on each Defendant a list of the intended fact witnesses, together with a brief statement of each witness' expected testimony, by June 18, 1993. Defendants shall each serve on Plaintiff a list of their intended fact witnesses,

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RCU BY: JEFF GENERAL COUNSEL JUL-19-1993 11:55 FROM JIL GOTSHEL & MANIGES

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all written discovery requests shall be provided [no later than June 18, 1993.]

3: Plaintiff shall supplement its answers to the defense contention Interrogatories already on file (that is, Plaintiff will supplement its October 16, 1992 answers to Defendants' contention Interrogatories) by May 28, 1993. Defendants will (a) supplement their October 16, 1992 answers to Plaintiff's contention Interrogatories regarding affirmative defenses, and (b) respond to Plaintiff's statute of limitations contention Interrogatories served on January 16, 1993, by June 4, 1993. The parties shall list specific facts and identify specific supporting documents in these answers and shall not merely make conclusory statements.

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1 together with a brief statement of each witness' expected testimony,
2 by June 25, 1993.

3 5. All parties shall complete their fact witness depositions,
4 including any document authentication depositions, by July 23, 1993.

5 Neither Plaintiff nor Defendants shall notice and take more than 40
6 fact witness depositions, whether they be personal or Rule 26(b)(6),
7 that do not relate primarily to the authentication of documents.

8 6. Plaintiff shall provide Rule 26(b)(4) disclosure of its
9 experts and their anticipated testimony by July 30, 1993.
10 Defendants may depose Plaintiff's experts from July 30 through
11 August 20, 1993.

12 7. Defendants shall provide Rule 26(b)(4) disclosures of
13 their expert witnesses and their anticipated testimony by August 27,
14 1993. Plaintiff may depose Defendants' experts from August 27
15 through September 17, 1993.

16 8. Discovery will close on September 18, 1993.

17 9. The Court recognizes that this Order provides for a longer
18 discovery period than was requested by the parties. However, in the
19 interest of ending the discovery phase of this lawsuit on a
20 reasonably foreseeable date certain, it is the Court's intent to
21 impose a strictly enforced discovery plan which is manageable and
22 attainable. All previous deadlines that are inconsistent with this
23 Order are hereby rescinded.

24 10. Nevada Power's motion to reduce the number of defense
25 witnesses (§ 231), and its appeal dated January 26, 1993 (§ 271) are
26



1 withdrawn as moot.

2 11. Nothing in this stipulation and order alters or modifies
3 the provisions of Local Rule 190-3 governing the joint pretrial
4 order.

5 12. Except as otherwise expressly provided herein, this Order
6 does not bar any party from objecting to any discovery served in
7 accordance with this Order. Discovery disputes shall be adjudicated
8 on an expedited basis. The parties are therefore directed to
9 provide my chambers with a courtesy copy of any discovery motion or
10 response which may be filed. However, no discovery dispute will be
11 considered by the Court unless and until there has been a meaningful
12 attempt by counsel to resolve the matter informally, as required by
13 Local Rule 190-1(f)(3).

14 IT IS SO ORDERED.

15 DATED this 6th day of April, 1993.

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17 
18 LAWRENCE R. DEVITT
19 UNITED STATES DISTRICT JUDGE
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