

KIRKLAND & ELLIS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

John H. Tatlock
To Call Writer Direct:
303 291-3034

1999 Broadway
Denver, Colorado 80202

303 291-3000

Facsimile:
303 291-3300

July 20, 1993

VIA FACSIMILE

CONFIRMATION COPY OF A DOCUMENT
PREVIOUSLY TRANSMITTED BY FACSIMILE

Paul E. Merrell, Esq.
BRADLEY & MERRELL
Bank of America Plaza, #610
300 South Fourth Street
Las Vegas, Nevada 89101-6026

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

Dear Paul:

I was unable to reach you by phone Monday to finalize rescheduling of Monsanto's Rule 30(b)6) Notice of Deposition dated July 6, 1993. The deposition was originally set for July 16. For your reference, I have attached a copy of the deposition notice, which includes the list of examination topics on Exhibit A.

I propose scheduling the deposition for this Friday, July 23, at the offices of Thorndal, Backus, Maupin & Armstrong, beginning at 9:00 a.m.

In our July 18 telephone conversation, we discussed the possibility of substituting certain stipulations for witness testimony on the subjects listed in Paragraphs 1 through 3 of Exhibit A. With the exception of photographs showing two drums bearing a Monsanto label, you proposed stipulations stating that Nevada Power has no evidence concerning the topics listed in Paragraphs 1 through 3 of Exhibit A. You have agreed to produce a witness to testify concerning the two drums.

Of course, whether we can reach a stipulation regarding Paragraphs 1, 2, and 3 of Exhibit A depends on the language. You have agreed to draft proposed stipulations for Paragraphs 1 and 2, and I will prepare the draft stipulation for Paragraph 3. If we cannot reach an agreement on the language of the stipulations, we will need a witness or witnesses to testify.

We should plan to exchange draft stipulations as soon as possible and agree on final stipulations no later than Tuesday afternoon, July 20.

KIRKLAND & ELLIS

Paul E. Merrell, Esq.
July 20, 1993
Page 2

Please respond promptly so that I may confirm the time, date, and location of the deposition, notify other counsel, and make travel arrangements.

Sincerely,



John H. Tatlock

JHT/tlk
Enclosure

cc: Bruce A. Featherstone, Esq. (w/encl.)
Arvin Maskin, Esq. (w/encl.)
Steven R. Kuney, Esq. (w/encl.)
John L. Thorndal, Esq. (w/encl.)
J. Bruce Alverson, Esq. (w/encl.)

JOHN L. THORNDAL, ESQ.
PEGGY A. LEEN, ESQ.
THORNDAL, BACKUS, MAUPIN
& ARMSTRONG
1100 East Bridger Avenue
Post Office Drawer 2070
Las Vegas, Nevada 89125-2070
Telephone: (702) 366-0622
Attorneys for Defendant
MONSANTO COMPANY

BRUCE A. FEATHERSTONE, ESQ.
JOHN H. TATLOCK, ESQ.
KIRKLAND & ELLIS
1999 Broadway, 40th Floor
Denver, Colorado 80202
Telephone: (303) 291-3000
Attorneys for Defendant
MONSANTO COMPANY

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.)

CV-S-89-555-LDG-LRL

NOTICE TO TAKE
DEPOSITION

PLEASE TAKE NOTICE that the deposition of the person or
persons most knowledgeable at NEVADA POWER COMPANY will be taken
at 9:00 a.m. on July 16, 1993, at the offices of THORNDAL,
BACKUS, MAUPIN & ARMSTRONG, 1100 East Bridger Avenue, Las Vegas,
Nevada, by the attorneys for defendant MONSANTO COMPANY upon oral

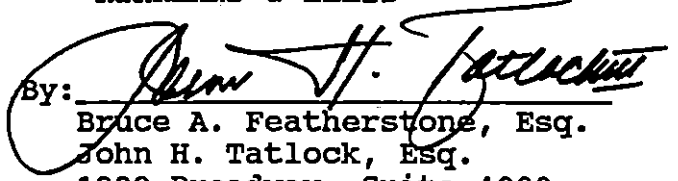
1 examination, pursuant to Rule 30(b)(6) of the Federal Rules of
2 Civil Procedure, before a notary public, or before some other
3 officer authorized by law to administer oaths. Oral examination
4 will continue from day to day until completed.

5 The individual(s) produced shall be one(s) who can
6 testify concerning the subjects listed on Exhibit A to this
7 notice.

8 DATED this 6th day of July, 1993.

9 RESPECTFULLY SUBMITTED,

10 KIRKLAND & ELLIS

11 By: 
12

13 Bruce A. Featherstone, Esq.
14 John H. Tatlock, Esq.
15 1999 Broadway, Suite 4000
16 Denver, Colorado 80202

17 John L. Thorndal, Esq.
18 Peggy A. Leen, Esq.
19 THORNDAL, BACKUS, MAUPIN &
20 ARMSTRONG

21 P.O. Drawer 2070
22 1100 E. Bridger Ave.
23 Las Vegas, NV 89125-2070

24 Attorneys for MONSANTO COMPANY
25
26
27
28

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of July, 1993,
a true and correct copy of the foregoing NOTICE TO TAKE
DEPOSITION, was served upon plaintiff's attorney, via facsimile
and first class mail, addressed as follows:

Paul E. Merrell, Esq.
Ralph Bradley, Esq.
BRADLEY & MERRELL
300 South Fourth Street, Suite 610
Las Vegas, NV 89101-6026

and true and correct copies were deposited in the United States
Mail (via first class), addressed as follows:

Steven R. Kuney, Esq.
WILLIAMS & CONNOLLY
725 Twelfth Street, N.W.
Washington, D.C. 20005

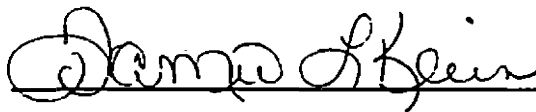
David S. McCrea, Esq.
MCCREA & MCCREA
P.O. Box 1310
Bloomington, IN 47402-1310

Arvin Maskin, Esq.
Konrad L. Cailteux, Esq.
WEIL, GOTSHAL & MANGES
767 Fifth Avenue
New York, New York 10153

J. Randall Jones, Esq.
JONES, JONES, CLOSE & BROWN
700 Bank of America Plaza
300 S. Fourth St., 7th Floor
Las Vegas, Nevada 89101-6026

J. Bruce Alverson, Esq.
David R. Clayson, Esq.
ALVERSON, TAYLOR, MORTENSEN
& NELSON
3821 West Charleston Blvd.
Las Vegas, Nevada 89102

Frederick M. Baron, Esq.
Russell Budd, Esq.
Jane N. Saginaw, Esq.
BARON & BUDD
3102 Oak Lawn Ave., # 1100
Dallas, TX 75219



MS182PBR.JHT