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MESSAGE FROM XEROX 7024: (702) 385-1655

DATE:

2/24/93

TO: Jane N. Saginaw, Esq.

FAX #: (214) 520-1181

PHONE #: (214) 521-3605

FROM:

Paul Merrell

CLIENT/MATTER: Nevada Power v. Monsanto

CLIENT/MATTER NO.: 11927.2

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3

MESSAGE:

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TRANSMIT CONFIRMATION REPORT

NO. : 006
RECEIVER : 214 520 1181
TRANSMITTER : BRADLEY * MERRELL
DATE : FEB 24'93 14:59
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MEMORANDUM

TO: Richard Hinckley (via fax) -
FROM: Paul E. Merrell *P. E. Merrell*
RE: Nevada Power v. Monsanto Company, et al.
DATE: February 24, 1993

I want to apologize for any misunderstanding over booking a flight for Ralph and I on Sunday to Chicago. I can only hope that messages were garbled.

I asked Deborah to call you back for me this morning because I had forgotten to stress that I had an absolute deadline of 12:00 noon for calling back Dr. Epstein to set the time for our meeting on Sunday. This is a deadline Dr. Epstein imposed, not I.

I hope I have stressed in the past the importance of Dr. Epstein to your case and how much handholding he requires. I have had several telephone calls from him in the last two weeks, where he has been increasingly dissatisfied because a meeting date had not been set yet and because there was no retainer agreement. At the same time, I was attempting to stall him because of your desire to approve all agreements with experts before we finalize them.

Dr. Epstein finally brought this matter to a head, as I advised you yesterday, by giving me a 12:00 noon deadline today to agree to a meeting on Sunday and to tell him the time on that date when we would meet.

When I had not heard back from you on flight times this morning, I called you to remind that we needed to set up those

flights. However, I forgot to remind about the deadline, so asked Deborah to call you back with the message that we had a deadline and that it was imperative that I know the flight times before noon.

I received a message back that you had concerns that Ralph should not come back to Las Vegas because of depositions in Connecticut beginning on Tuesday. Because my last understanding had been that those depositions would probably be postponed as well, I immediately called Ralph out of depositions, and learned that the Tuesday deposition was in fact going forward.

I then asked Debbie to call you back with the message that the flight should be booked for me to return to Las Vegas Sunday night, with Ralph spending the night in Chicago and then flying on to Connecticut on Monday. When she placed the call, she was told that you had left for a meeting and would be unavailable for the rest of the day.

Upon learning that, I instructed Debbie to call Nevada Power's travel agency, book the flights, and leave a message for you that she had done so in order that you could confirm payment and that the reason was that I had to give Dr. Epstein a meeting time on Sunday by noon our time.

I gather that this message did not sit well with you and that you have instructed your reservations agency not to accept any further bookings from us. I am very sincerely sorry for my role in the confusion. I was dealing with a difficult situation in the

best way I could imagine with a very short deadline, also attempting by delegation to Deborah to break loose some desperately-needed time to work on two important briefs that are due Friday.

Because I still do not know whether the flights were booked, my staff have booked coach class reservations for Ralph and I through Prestige Travel on Saturday night for United Flight 720, departing Las Vegas at 11:45 p.m., arriving Chicago at 5:04 a.m. on Sunday. My understanding is that coach class flights are no longer available on any Sunday morning flights.

I have not booked my return from Chicago and Ralph's flight to Connecticut because of your wish to handle reservations. Would you please arrange for a hotel for Ralph on Sunday night in Chicago and a flight on to Connecticut on Monday, with hotel reservations for Monday and Tuesday nights. I would like a flight booked for my return from Chicago to Las Vegas, leaving Chicago in the late afternoon.

Richard, I know that the schedule has been topsy-turvy the last few days since defendants announced their unilateral changes. I hope that we can all keep our eye on the goal and keep the internal friction to a minimum. I know that is the way I intend to play it throughout.

If we have lapsed in that department, it was unintentional and probably because I have averaged less than four hours sleep a night for the last two weeks and because all of my people have been

Memorandum
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working double shifts to prepare for the most important depositions of the case. Please let me assure you that I remain genuinely excited about this litigation and that Nevada Power's best interests are inextricably at the forefront of my conduct, as I am sure my wife and children would testify.

If I have offended, it was not intended and I am sorry.

PEM:lsg

MEMORANDUM

TO: Jane Saginaw (via Telecopy) -
FROM: Paul Merrell *PM*
RE: Nevada Power Company v. Monsanto Company, et al.:
DATE: February 24, 1993

It looks as though the only time we will be able to meet with Dr. Epstein in the next few weeks is this Sunday. I have tentatively set up a meeting at his apartment at 8:00 a.m., Sunday morning. He said that he would be more than willing to have dinner with you the night before if you wanted to fly in for that.

His apartment is located at 161 Chicago Avenue East, Apt. 28A, in Chicago. His home telephone number is 312/664-6250.

Ralph and I will be arriving on a red-eye flight around 5:04 a.m.

I am sorry for the short notice, but the schedule has been getting juggled like crazy the last few days because of the alleged non-availability of defense witnesses.

I know you want to be in on the meeting with Dr. Epstein, so I hope you can make it.

I hope to spend the rest of this afternoon working on the intro for Paul Donsbach's Brief and a couple of Reply Briefs. If you need to talk to me about this, I would appreciate it if you could plan on a short conversation.

PEM:dd

cc: Richard Hinckley, Esq. (via Telecopy)

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February 24, 1993

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VIA TELECOPY - 312/996-1374

Dr. Samuel Epstein
School of Public Health
Department of Occupational &
Environmental Health Medicine
UNIVERSITY OF ILLINOIS MEDICAL CENTER
Post Office Box 6948
Chicago, IL 60611

Re: Nevada Power Company, etc. v. Monsanto Company, et al.
USDC, District of Nevada, Case No. CV-S-555-LDG-LRL

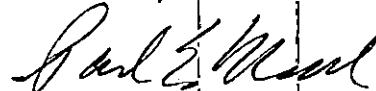
Dear Dr. Epstein:

This is to confirm that Ralph Bradley and I will meet with you on Sunday, February 28, 1993 at approximately 8:00 a.m. at your apartment at 161 Chicago Avenue East, Apt. 28A.

I look forward to seeing you again.

Very truly yours,

JONES, JONES, CLOSE
& BROWN, CHARTERED



PAUL E. MERRELL

PEM:dd
cc: Ralph Bradley, Esq.
Jane Saginaw, Esq.
Richard Hinckley, Esq.
TNB

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MESSAGE FROM XEROX 7024: (702) 385-1655

DATE: February 24, 1993

TO: Richard L. Hinckley, Esq.

FAX #: (702) 367-5629

PHONE #: (702) 367-5632

FROM: Paul Merrell

CLIENT/MATTER: Nevada Power v. Monsanto

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION: Memo re: airline reservations; copy of memo to Jane Saginaw re: meeting with Dr. Epstein; copy of letter to Dr. Epstein re: meeting

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

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TRANSMIT CONFIRMATION REPORT

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