

1 of 2

PAUL E. MERRELL
Lawyer
7493 East Five Rivers Road
Tidewater, Oregon 97390
Telephone: (503) 528-7151 Telefax: Via Voicemail

January 9, 1991

Chuck McCrea, Sr.
Jones, Jones, Close
& Brown Chartered
700 Valley Bank Plaza
300 South Fourth Street
Las Vegas, Nevada 892101-6026

VIA TELEFAX

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

Dear Chuck:

Some afterthoughts on our telephone conversation today:

I do not have ready access to Nevada statutes. When you send the defendants' brief, would you also send along copies of the [REDACTED]

I also anticipate needing the [REDACTED] (My copies are still lost with my luggage, wherever United Airlines managed to send it.) We'll probably be facing arguments that issues were not raised below, so I'd like to be able to refer to relevant sections of the record.

It also might be wise to plan on you and I discussing our situation on the second day after you dispatch the defendants' brief (we get very late afternoon delivery here).

Also, would you please ensure that the brief is sent via Federal Express? Despite other service's advertising claims of next-day delivery anywhere, it's the only overnight service that delivers to my office.

Finally, I hope that Nik may be able to read the brief the day you receive it with an eye to any factual contentions raised by the defendants that might require us to point to countering evidence in the record. If we have such problems, I'd like to have at least his

Chuck McCrea, Sr.
January 9, 1991
Page 2

verbal assessment of where we stand on that score as early as possible.

I hope this isn't piling too much on your folks. If it is, let me know. I'd like to aim, however, for circulating a reply brief outline and drafts as early as possible.

Tell everyone hello for me. I hope you all had a wonderful holiday, hopefully less disrupted by work than the Thanksgiving break.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul", written in dark ink.

PAUL E. MERRELL

PEM: pem