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October 25, 1989

HAND DELIVERED

Nik Skrinjaric, Esq.
Jones, Jones, Close & Brown
300 South Fourth Street
7th Floor
Las Vegas, NV 89101

Re: NPC vs. Westinghouse, et al.

Dear Nik:

This letter will confirm agreements you reached with Dave Clayson and I in a conference call on Tuesday afternoon, October 24, 1989. First, Nevada Power will produce Gene Matteucci, Chief Counsel for Nevada Power in response to the 30 (b)(6) notice previously served on Nevada Power on Friday, October 27, at 9:00 a.m. in our law offices. Mr. Matteucci will be able to testify as to those matters Mr. Fabbi was not able to address which are the subject of the 30(b)(6) notice.

Second, you will have delivered to my office the additional documents which Mr. Fabbi referenced in his deposition which have not previously been produced to the defendants. These documents consist primarily of Nevada Power's PCB litigation file and recent PCB working files in Mr. Fabbi's possession. It is also my understanding that Mark Hinkley, Assistant Chief Counsel for Nevada Power, forwarded a memo to all managers of Nevada Power following Mr. Fabbi's 30(b)(6) deposition to determine whether any other departments or divisions had documents responsive to the defendants' request for production. Responses to that memo are due today, and you will promptly advise the defendants if there are any additional documents which Nevada Power will be producing as a result of this additional effort to locate documents.

Third, with respect to identification of the equipment which Nevada Power claims is involved in this litigation, it is my understanding that Mark Reddaway of Nevada Power is in the

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process of assembling this list of equipment and the identification information requested in the interrogatories propounded by the defendants. You did not know when Mr. Reddaway would be able to complete the preparation of this list, but were to check again with him this afternoon to determine when the information will be provided. I would like to stress again that the defendants are most anxious to obtain this information, and that this information is absolutely relevant to statute of limitations issues which are the subject of limited discovery and soon to be filed motions for summary judgment on the subject.

Fourth, you have indicated that Nevada Power is willing to give more particularized responses to the defendants in the form of additional answers to interrogatories and responses to requests for production of documents. You indicated to Dave and me on the phone this afternoon that you have always been willing to provide the information, but have not had the time to do so. You requested an additional period of time to and including Tuesday, November 7th, in which to provide additional and more particularized answers to interrogatories and responses to requests for production. In this regard, we have had no response from your office to the October 9, 1989 letter from David Clayson on behalf of defendants GE and Monsanto, or my letter to you dated October 12, 1989, on behalf of Westinghouse concerning our discovery disputes. I would request that prior to providing the additional answers to interrogatories and response to request for production which you have promised will be done by November 7, 1989, that you carefully review the matters raised in both letters as they relate to our position concerning the inadequacy of your existing responses.

Although I appreciate that fully and completely responding to the outstanding discovery requests involves a great deal of work, it is information which should have been compiled as part of a diligent pre-filing inquiry before filing suit in this matter. Also, as Magistrate Leavitt reminded Nevada Power at the hearing on October 6, 1989, it is information which is Nevada Power's burden to provide in this lawsuit.

We will be beginning substantive depositions in this case on November 13th in accordance with the scheduling order entered by Judge George. For this reason, it is absolutely essential that we receive this information no later than November 7, 1989, as you have promised. If at any time before November 7th you determine you cannot meet the deadline for some reason, please advise

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me immediately so that this matter can be discussed with the Magistrate. I want to emphasize again that we intend to meet the deadlines set forth in the Judge's scheduling order and will make whatever effort is necessary to comply with our own obligations. We expect Nevada Power to do the same, and if for some reason you are unable to do so, this matter will need to be addressed with the Magistrate as expeditiously as possible.

Fifth, as I indicated, counsel for EPRI will be providing me with documents responsive to the subpoena and deposition notice served on EPRI on Thursday or Friday of this week, and a supplemental set of documents early next week. Counsel for EPRI has also suggested the dates of November 6, November 7, or November 13 to take the deposition(s) previously noticed of an EPRI person or persons most knowledgeable on those subjects identified in the notice. It is my understanding Mr. Kotoske will be handling that deposition on behalf of Nevada Power. You agreed to contact Mr. Kotoske and determine which of those three dates are most convenient to him as soon as possible so that this matter can be firmed up and scheduled.

Finally, in reviewing the discovery requests propounded by Nevada Power to the defendants, I note that this firm has been served on behalf of Monsanto with the plaintiff's request for admissions and interrogatories. Prior documents and discovery requests incorrectly reflect the representation of various counsel in this matter. Please be advised that John Thorndal and I represent Westinghouse only. Jeffrey S. Klein of the firm of Weil, Gotshal & Manges is also counsel of record for Westinghouse and should be added to your service list. Alverson, Taylor & Mortensen are local counsel for Monsanto and General Electric, and Bruce Featherstone of the law firm of Kirkland & Ellis is also counsel of record for Monsanto. Please make sure that your mailing and service list correctly identifies all counsel of record and the parties they represent for future filings, pleadings, correspondence, etc.

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Thank you for your courtesy and anticipated cooperation in attending to these matters promptly. If you believe that any matters contained in this letter do not accurately reflect the agreements which were reached in the October 24, 1989 telephone conference, please contact me immediately so any such matters can be resolved.

Respectfully,


PEGGY A. LEEN

PAL/ds

cc: Bruce Alverson, Esq.
cc: David Clayson, Esq.
cc: Jeff Klein, Esq.
cc: Eric Ordway, Esq.
cc: Bruce Featherstone, Esq.
cc: John Tatlock, Esq.