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I. PENDING MOTIONS AND SUGGESTED DISPOSITION:

- I. PENDING MOTIONS AND SUGGESTED DISPOSITION:**

A. NPC motion to compel discovery:

1. Contention is that subject of WEC retention/destruction of documents from Industrial Hygiene Dept. is not privileged.

- (1) Proper scope of privilege objections during depositions. RECOMMENDED DISPOSITION: Parties instructed to continue conferring, set hearing date to reduce issues prior to depositions.

- (a) issues primarily involve application of principles of work product and attorney client privileges, waiver thereof, and crime/fraud exception thereto.

- (2) Production of purportedly privileged documents appended to Bair 22-page memorandum, approximately 10 documents. RECOMMENDED DISPOSITION: Expedited ruling of waiver by incorporation into no-longer privileged document or by waiver of subject matter. Alternative, expedited submission for in camera review.

B. NPC motion to compel inspection of property

1. Contention is that NPC should be allowed to depose witnesses in presence of records at issue.
RECOMMENDED DISPOSITION: expedited ruling.
Briefing should not be necessary.

C. NPC motion for discovery hearing. RECOMMENDED DISPOSITION: no separate action needed; subsumed in above suggestions for hearing.

II. ISSUES TO BE SCHEDULED

- A. Request to inspect records gathered in 1986 company-wide sweep for PCB records. RECOMMENDED DISPOSITION: Establish briefing schedule; consider potential need to take relevant portion of Rule 30(b)(6) related deposition after fact deposition cut-off date.
- B. Redefinition of subpoena duces tecum to redefine request and privilege claims. RECOMMENDED DISPOSITION: Set expedited hearing date; WEC to provide privilege log if contested; decision and production to occur prior to relevant Rule 30(b)(6) deposition.
 - 1. Intimately related to Rule 30(b)(6) deposition -- needs expedited decision
 - 2. Contains privilege claims for which there has been no privilege log. Parties have conferred, but need at least one further conference since Court's opinion received.

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July 9, 1993

VIA FACSIMILE

Bruce A. Featherstone
Kirkland & Ellis
1999 Broadway, Suite 4000
Denver, Colorado 80202

Re: Nevada Power Company v. Monsanto Company, et al.
USDC, District of Nevada Case CV-S-89-555-LDG (LRL)

Dear Bruce:

This letter will confirm the schedule of Monsanto depositions as agreed to via telephone conferences on July 8 and 9, 1993, between your office and Ralph Bradley. The schedule for the week of July 12, 1993, has been agreed to as follows:

PMK re PCB fluids, vendors market share (Papageorge)	July 12, 1993 1:00 p.m. P.S.T. Via telephone
George Levinskas	July 14, 1993 9:00 a.m. St. Louis, MO
Paul Benignus	July 15, 1993 9:00 a.m. St. Louis, MO
PMK re trade associations (Papageorge)	July 15, 1993 1:00 p.m. St. Louis, MO
Paul Benignus	July 16, 1993 9:00 a.m. St. Louis, MO
PMK re dioxins (Mieure)	July 16, 1993 1:00 p.m. St. Louis, MO

The depositions set for St. Louis will take place at the

Bruce A. Featherstone
July 9, 1993
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offices of Husch & Eppenberger located at 100 North Broadway, Suite 1300.

The following depositions remain to be taken during the week of July 19, 1993, and are being negotiated among counsel.

PMK re Exhibit #1118

PMK re hazards, to include hazards to human health and to the environment, and not limited to a specific range of years

PMK re I.B.T.

R. Emmet Kelly

William Papageorge (personal continued)

It is my understanding that we may agree to stipulate to the withdrawal of Dr. Kelly once we have had an opportunity to review the transcripts of his deposition taken in the Brown case. I hereby request a copy of those transcripts from you at your earliest convenience.

Please telephone me immediately if this schedule for the week of July 12, 1993, does not comport with your understanding.

Sincerely,

BRADLEY & MERRELL

Paul E. Merrell
for PAUL E. MERRELL

/hcd

cc: All counsel

STORE & FORWARD REPORT

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003	B FEATHERSTONE	3:44PM	5'34"	3/ 3	EC SF	COMPLETED 4800
004	STEVEN KUNEY	3:50PM	0'52"	3/ 3	EC SF	COMPLETED 14400
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MESSAGE FROM XEROX 7024: (702) 385-1655

DATE: 7-9-93

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FROM: Paul merrell

MATTER/MATTER NO.: Nevada Power v. Monsanto, et al., #11927.2

DOCUMENT(S) DESCRIPTION:

NUMBER OF PAGES (including cover page): 3

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please call (702) 385-4202 and ask for: Randy Andreini, Ext. 615