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July 1, 1993

BY FACSIMILE

Paul E. Merrell, Esq.
Bradley & Merrell
c/o Jones, Jones, Close & Brown
700 Valley Bank Plaza
300 South Fourth Street, Suite 700
Las Vegas, Nevada 89101-6206

Re: Nevada Power Litigation

Dear Paul:

This letter concerns Nevada Power's Thirteenth Supplemental Notice of Deposition Schedule, served June 28, which calls for GE to produce four witnesses during the week of July 5. There are two issues: (1) your request to depose Manny Neal; and (2) the timing of the noticed GE depositions.

As you know, Mr. Neal is in-house counsel for GE's Power Delivery operation. In that capacity, he has been responsible for coordinating and overseeing GE's defense of this case and other PCB-related claims involving GE equipment. Judging from your witness list, you wish to examine Mr. Neal about his knowledge of GE's retention of PCB-related documents. GE objects to producing Mr. Neal because (1) any examination of him would inevitably trench upon his mental impressions and legal opinions, which are protected under the work-product doctrine, and (2) Nevada Power has not exhausted other available means of obtaining the desired information. See Shelton v. American Motors Corp., 805 F.2d 1323, 1327 (8th Cir. 1986).

GE is willing, however, to produce in Mr. Neal's stead a Rule 30(b)(6) designee with knowledge of GE's document retention policy and the retention of PCB-related documents. Please let me know as soon as possible whether Nevada Power will withdraw the Notice of Deposition as to Mr. Neal and accept the 30(b)(6) wit-

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ness. If Nevada Power does not agree to withdraw the Notice as to Mr. Neal, GE will move for an appropriate protective order.

As to timing, because of the short notice, GE is not prepared to produce any of the identified witnesses on the dates noticed. We are prepared to produce the witnesses in Trumbull, Connecticut on the following dates:

30(b)(6) re hazards July 12

30(6)(6) re document July 12 or 13
retention

30(b)(6) re July 12 or 13
"trade associations"

John Brown July 13

Please let me know as soon as possible whether you will accept this proposal.

Sincerely yours,



Robert J. Shaughnessy

cc: Defense Counsel