

MEMORANDUM

TO: FILE

FROM: CHARLES H. McCREA, SR. *CHM*

RE: NEVADA POWER COMPANY V. MONSANTO COMPANY, GENERAL
ELECTRIC COMPANY, WESTINGHOUSE ELECTRIC CORPORATION AND
DOES I THROUGH XXV

OUR FILE NO. 11927.2

DATE: APRIL 21, 1989

Attached is a draft of a Complaint that I have prepared in connection with the above matter. It is unknown whether this Complaint will ever be filed, but these defendants yield only with great reluctance and take no prisoners. It is important that we keep our muskets loaded and our powder dry.

I need a few matters researched in connection with this Complaint. I do not need an exhaustive analysis of each point; just the conclusion and two Nevada cases--the best and most recent--on the point. Copies of these cases should be appended to the Memorandum.

The questions the Memorandum should address are the following:

1. What is the statute of limitations on each claim for relief set forth in the Complaint?
2. What is the rule in Nevada on when a plaintiff who claims to have been injured is deemed to know of the injury, with respect to each of the claims for relief

*Major
case on
discovery
rule.*

Statute of limitations with respect to negligence is?

set forth in the Complaint? ~~Consider affirmative defenses such as equitable estoppel.~~

3. Assume that the defendants respond to the Complaint with a motion to dismiss. Start with the premise that all facts well pleaded are deemed to be true, and that the motion to dismiss is based upon (i) statutes of limitations or repose and (ii) failure to state a claim upon which relief can be granted. } *care*

Does NV have the fraudulent concealment rule - statute of limitations is tolled when interest facts have been concealed.

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With respect to tort claims in complaint - 1 major case discussing elements of each tort contained of 1 or 2 major cases.

If NV has statute of repose or products liability, 1 or 2 major cases, plus statute itself.

Products liability statute, name.