

BRADLEY & MERRELL
JONES, JONES, CLOSE & BROWN, CHARTERED
Seventh Floor — Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101-6026
(702) 385-4202

MESSAGE FROM XEROX 7024: (702) 385-1655

DATE: 7/29/93

TO: Mike Gallagher

FAX #:

PHONE #:

FROM: Paul Merrell

CLIENT/MATTER: Nevada Power v. Monsanto

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION:

NUMBER OF PAGES (including cover page): 3

MESSAGE:

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1	GALLAGHER	7-29-93 10:53AM	1'06"	3/ 3		COMPLETED 9600

TOTAL 0:01'06" 3

NOTE:

No. : OPERATION NUMBER 48 : 4800BPS SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
PD : POLLED BY REMOTE SF : STORE & FORWARD RI : RELAY INITIATE RS : RELAY STATION
MB : SEND TO MAILBOX PG : POLLING A REMOTE MP : MULTI-POLLING RM : RECEIVE TO MEMORY

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BRADLEY & MERRELL
c/o Jones, Jones, Close & Brown
300 South Fourth Street, Seventh Floor
Las Vegas, Nevada 89101-6026

Fax: (702) 385-1655

July 29, 1993

VIA TELEFAX

Ms. Susan E. Fogelboch
6226 West Sahara Avenue
Las Vegas, Nevada 89102

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

Dear Sue:

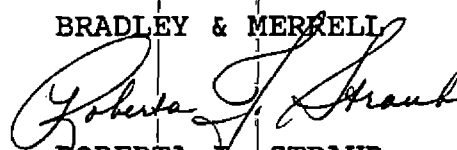
Under cover of this letter are the draft outlines for Mr. Fabbi and for Mr. Schwehr. This information will be used in their Federal Rule of Civil Procedure 26(b)(4) Expert Disclosure Statements. As I said before, as you and Richard (if he has time) review them, please feel free to edit, delete or add information as you see necessary - these are rough drafts.

I am especially interested in getting information on Mr. Fabbi's credentials (see "fill in"). If you have any knowledge of this, please send it along in an accompanying memo or fill it in on the outline.

Thanks for your help, and call me if you have any questions.

Sincerely,

BRADLEY & MERRELL


ROBERTA J. STRAUB

rjs:bms

cc: TNB

J.H. Kim, Esq.

M.T. Gallagher, Esq.

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MR. DENNIS SCHWEHR OUTLINE DRAFT

Background:

Mr. Schwehr is currently the Department Manager responsible for environmental compliance in all matters of electric generation, transmission and distribution. Mr. Schwehr has extensive experience with air quality permits, water discharge monitoring and permitting, and waste management. Mr. Schwehr participates in resource planning, site selection, and environmental externality evaluations. Mr. Schwehr is also currently working, with Nancy Donner's assistance, to recalculate Nevada Power's damages calculations.

I. Mr. Dennis Schwehr

Nevada Power Company
Manager, Environmental Affairs
6226 West Sahara
P.O. Box 230
Las Vegas, Nevada 89151-0230

- A. Has worked as an environmental specialist and developed compliance programs for air, water and waste management at electric generating stations. Mr. Schwehr has also coordinated permit acquisition and environmental studies with contractors and regulatory agencies.
- B. Mr. Schwehr has also worked for other utilities in their environmental departments, a field biologist and was a computer programmer and operator for the U.S. Air Force. Mr. Schwehr is a Vietnam Veteran.
- C. Mr. Schwehr has extensive knowledge of the environmental permitting process, site assessments and a strong working knowledge of environmental legislation such as the Clean Air Act, Clean Water Act and the Resource Conservation & Recovery Act.
- D. Mr. Schwehr has worked to implement company policies regarding management and risk communications to workers as well as establishment of a computer-based environmental compliance and audit program.

II. Opinion - Mr. Schwehr is presented as an expert on Nevada Power's PCB, PCDD and PCDF environmental and compliance programs.

- A. The current Nevada Power PCB program is within the scope of the Environmental Affairs Department, although other departments are involved.

- B. Mr. Schwehr is of the opinion that equipment with unknown concentrations of PCBs must rationally be treated as PCB equipment, and that it is Nevada Power's current policy to replace such equipment.
- C. Any equipment containing any detectable levels of PCBs raises a public safety issue.
- D. Nevada Power is claiming damages for all equipment containing PCBs at a detectable level
- E. The rationales for eliminating PCB equipment include, but are not limited to, public health concerns, public relations, threat of liability, increased testing and clean up costs for all PCB containing equipment, and the possibility that EPA will tighten restrictions on allowable levels of PCBs.
- F. Mr. Schwehr is also of the opinion that the defendants did not provide an adequate or timely notice, warning, or cautions to Nevada Power that PCB fluids cause potentially serious and long term adverse environmental and health effects.
- G. Mr. Schwehr is also of the opinion that the damages calculations used (as will be revised) accurately reflect the costs which Nevada Power was forced to pay due to the defendants' PCB products

III. Basis of Testimony

- A. Mr. Schwehr will testify on the basis of his training and experience in working with environmental compliance programs and permitting for utilities set forth by government regulations and guidelines
- B. Mr. Schwehr will testify on the basis of his own personal research regarding environmental compliance and government regulations
- C. Mr. Schwehr will testify based on recent literature gathered by him and his understanding of the recent literature read by him
- D. Mr. Schwehr will testify based on what he has learned by reading the general literature and governmental regulations and guidelines issued on PCBs, PCDDs and PCDFs
- E. Mr. Schwehr will testify based on literature produced by trade associations which addressed the PCB, PCDD and PCDF issues

- F. Mr. Schwehr will testify based on the damages calculations which he investigated and formulated for this litigation

IV. Other

- A. Mr. Schwehr may also be asked to define and explain terms used in documents issued by Nevada Power which relate to PCBs, PCDDs and PCDFs
- B. Mr. Schwehr may also be asked to define and explain terms used in Nevada Power's damages calculations
- C. Mr. Schwehr may also be asked to explain methods of Nevada Power's damages calculations, including the evolution of figures used in the calculations

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MR. DONALD FABBI DRAFT OUTLINE

Background:

Mr. Fabbi is an employee of Nevada Power Company. He developed and implemented Nevada Power's Spill Prevention Program, as well as its Employee Training Program. He is the Manager of Safety Services for Nevada Power Company. He has had his deposition taken a number of times in this litigation.

I. Mr. Donald Fabbi

- A. Nevada Power Company
Manager, Safety Services
6226 West Sahara
P.O. Box 230
Las Vegas, Nevada 89151-0230
- B. Credentials - fill in

II. Mr. Fabbi is presented as an expert on Nevada Power's PCB, PCDD and PCDF Safety and Worker plans.

- A. As creator of Nevada Power's Spill Prevention Program, and its Employee Training Program, Mr. Fabbi is of the opinion that he had no reason to suspect, during the time that he has worked at Nevada Power, that the defendants at the time of purchase and sale fraudulently concealed information on the environmental and health hazards of PCBs or that they even had sufficient information to issue the warnings.
- B. Mr. Fabbi will testify that Nevada Power followed federal regulations and guidelines in formulating Nevada Power's PCB policies.
- C. Mr. Fabbi wrote guidelines and questions and answers about PCBs based on information in federal regulations and guidelines.
- D. Testify on the Safety Procedures implemented at Nevada Power regarding PCBs, PCDDs and PCDFs

III. Basis of Testimony

- A. Mr. Fabbi will testify on the basis of his training and manager of the Safety Department and his personal research into the PCB, dioxin and furan issues - this shall include documents gathered by Mr. Fabbi in relation to PCBs, PCDDs and PCDFs.

- B. Mr. Fabbi will testify based on recent PCB literature gathered by him and his understanding of the recent literature read by him
- C. Mr. Fabbi will testify based on what he has learned by reading governmental regulations and guidelines issued on PCBs, PCDDs and PCDFs
- D. Mr. Fabbi will testify based on literature produced by trade associations which addressed the PCB, PCDD and PCDF issues.

IV. Other

- A. Mr. Fabbi may also be asked to define and explain terms used in documents issued by Nevada Power which relate to PCBs, PCDDs and PCDFs, and problems related thereto

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