

MEMORANDUM

TO: BILL SNYDER
FROM: CHUCK MCCREAN
RE: NEVADA POWER V. MONSANTO
DATE: April 20, 1992

VIA FAX: 406/443-1174

Herewith a memo I wrote to Doug Cohen after a telephone conversation with you on March 27th. This is the nearest thing I can find to a memo of "about" two weeks ago containing a list of people to be deposed. Maybe the reason neither of us has such a memo is that you gave me the information over the phone and I then reduced it to a memo. Hope this is helpful.

The Nevada Power file is currently being organized and indexed by a paralegal, so it may take me a while to find the name of the GE official alleged to have met with the judge at Sea Island to settle the Independent Life case.

From: J. Randall Jones (JRJ)
To: jls
Date: Monday, April 20, 1992 3:46 pm
Subject: Nev. Power/G.E.

Memo to file: Today during the conference call a general strategy was developed. It was decided that I would be responsible for creating a draft of a demand letter with the following issues discussed or addressed in one way or another.

1. Respond to John Thorndal's rule 11 letter;
2. Start the letter with a reference to when the defendants "broke off settlement negotiations in 1989", leading into how badly the defendant attorneys have misvaluated this case;
3. Bring up the fraud issues - check the Golden vs. Crown Zellerbach 890 F2d ---- case and quote Nevada jury instructions on fraud and punitive damages;
4. Refer to the possible lack of insurance available for the defendants;
5. Discuss our demand and as part of that cite the Nevada jury instructions regarding what the jury can consider in awarding punitive damages; and
6. Tell them we will vigorously oppose defendants withdrawal of the affirmative defense that Nevada Power should have know about how bad PCB's were and that the defendants told plaintiffs how bad they were, including asking the court for sanctions if the defendants withdraw that claim after Nevada Power spent so much time and money fighting that defense. (even quote them at the ninth circuit taking that position)

The above should be done in at least draft form by ^{April}~~Aug.~~ 25th to be circulated to all plaintiff counsel.

We are also supposed to prepare and file by May 4th a petition to waive the limit on interrogatories; KTB should be assigned this task.

We are also supposed to start working on a proposed trial plan similar to the one we have in Forsyth v. Humana.* A draft of that plan should be prepared for circulation by May 4th as well.

David McCrea and Bill Synder are preparing a proposed deposition list for circulation, David is drafting the written discovery documents and Paul Merrell is drafting the chronology, critical documents list and a list of documents and deposition testimony in response to defendants assertion that defendants did not conceal any material information on the hazards of PCBs.

Janet could you print this out and put the relevant dates on my calendar and computer. thanks.