

BRADLEY & MERRELL
c/o 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: July 29, 1993

TO: Sue Fogleboch

FAX #: (702) 367-5629

PHONE #: (702) 367-5632

FROM: Roberta Straub, Esq.

CLIENT/MATTER: Nevada Power v. Monsanto

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION:

lette
draft outline for Schwehr
draft outline for Rabbi

NUMBER OF PAGES (Including cover page): 7

MESSAGE:

THIS TELECOPY IS INTENDED ONLY FOR THE ADDRESSEE NAMED ABOVE. IT MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF YOU HAVE RECEIVED THE TELECOPY IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, DESTROY ALL COPIES, AND DO NOT DISSEMINATE THE INFORMATION TO ANYONE. THANK YOU FOR YOUR ASSISTANCE.

IF YOU EXPERIENCE PROBLEMS WITH THIS TRANSMISSION,
please call (702) 385-4202 and ask for: Robert Osterloh, Ext. 615

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

MESSAGE FROM XEROX 7024: (702) 385-1655

DATE: July 29, 1993

TO: Sue Fogleboch

FAX #: (702) 387-5829

PHONE #: (702) 387-5532

FROM:

Roberta Straub, Esq.

CLIENT/MATTER: Nevada Power v. Monsanto

CLIENT/MATTER NO.: 11827.2

DOCUMENT(S) DESCRIPTION:

letter
draft outline for Schwehr
draft outline for Faddi

NUMBER OF PAGES (including cover page): 7

MESSAGE:

THIS TELECOPY IS INTENDED ONLY FOR THE ADDRESSEE NAMED ABOVE. IT MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF YOU HAVE RECEIVED THE TELECOPY IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, DESTROY ALL COPIES, AND DO NOT DISSEMINATE THE INFORMATION TO ANYONE. THANK YOU FOR YOUR ASSISTANCE.

IF YOU EXPERIENCE PROBLEMS WITH THIS TRANSMISSION,
please call (702) 385-4202 and ask for: Robert Osterloh, Ext. 815

TRANSMISSION REPORT

THIS DOCUMENT WAS CONFIRMED
(REDUCED SAMPLE ABOVE - SEE DETAILS BELOW)

**** COUNT ****

TOTAL PAGES SCANNED : 7

TOTAL PAGES CONFIRMED : 7

*** SEND ***

No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	FOGLEBOCH	7-29-93 10:40AM	2'15"	7/ 7	EC	COMPLETED 9600

TOTAL 0:02'15" 7

NOTE:

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

G2 : G2 COMMUNICATION
RS : RELAY STATION
RM : RECEIVE TO MEMORY

MEMORANDUM

TO: John H. Kim, Esq.
FROM: Roberta Straub, Esq. *RS*
RE: Dr. Peterson Expert Statement
DATE: July 27, 1993

Under cover of this memo, you will find a 26(b)(4) expert witness disclosure statement for Dr. Richard E. Peterson. This is only a draft, but I do not anticipate any major changes to it. Any changes that must be made will probably be merely in form, but not in content.

Would you please check to see if this statement dovetails with what Dr. Arnold Schecter is expected to testify on? If there is no statement as of yet for Dr. Schecter, will you please let me know as soon as possible? I will then contact him and begin working with him to formulate his statement. Thanks, John.

In addition, I am working on statements for the other experts identified for this case. I hope I am not duplicating efforts with your office. To that end, would you please let me know what has been accomplished with the experts?

DRAFT

Nevada Power v. Monsanto Co., et al.
Case No. A275863

PRETRIAL WITNESS STATEMENT

Richard E. Peterson, Ph.D.
Toxicology Consultants, Inc.
5202 Denton Place
Madison, WI 53711

SUMMARY OF TESTIMONY

Dr. Peterson is Professor of Pharmacology and Toxicology in the School of Pharmacy and Environmental Toxicology Center at the University of Wisconsin. Dr. Peterson has published extensively in the area of halogenated aromatic hydrocarbon toxicity. Investigations in his laboratory have used polychlorinated biphenyls (PCBs), dibenzo furans (PCDFs) and dibenzo-p-dioxins (PCDDs) and have involved different mammalian, avian and aquatic species. Bioaccumulation, metabolism and disposition, acute toxicity, reproductive and developmental toxicity, and neurotoxicity have been assessed. Signs of toxicity, dose response relationships, time course of toxicity, sites and mechanisms of action, and risk have also been evaluated. Dr. Peterson is a member of the Society of Toxicology and Society of Environmental Toxicology and Chemistry. Results of his laboratory's research are presented at annual meetings of these societies. Industry and state and federal agencies have used Dr. Peterson's expertise in halogenated aromatic hydrocarbon toxicity.

Dr. Peterson is presented as an expert on the toxicology of PCBs and related compounds that act by Ah receptor "-dependent" and "-independent" mechanisms of action. He will testify on the basis of his education, training, research experience, understanding of the current literature, review of state of the art research and reports generated by that research on PCBs, PCDFs and PCDDs. He will testify on PCB toxicity in humans and animals including mechanisms of action, structure activity relationships or Ah receptor-mediated toxicity, metabolism and disposition, and the various signs of toxicity. He will testify on fundamental aspects of risk characterization such as exposure assessment, hazard identification, dose response assessment, and reference dose concept. He will testify that humans and animals have similar

sensitivity to Ah receptor-mediated toxicity and that PCB congeners that share the same Ah receptor-mediated mechanism of action as TCDD (TCDD-like PCB congeners) need to be considered together with TCDD in assessing risk to humans and wildlife.

Dr. Peterson will testify that early life stages (embryo or fetus) are more susceptible than adults to Ah receptor-mediated toxicity and that exposure during critical periods of early development can produce functional alterations in adulthood that may be irreversible., Dr. Peterson will testify that the background human body burden of TCDD equivalents due to the TCDD-like PCBs, PCDDs and PCDFs does not provide an adequate margin of safety for certain reproductive, developmental, or neurobehavioral toxicities that results from in utero and/or lactational exposure.

Dr. Peterson will testify that PCBs are inherently and unreasonably dangerous and that inputs of PCBs into the environment must be reduced to lower the existing background human body burden of TCDD equivalents. He will also testify that PCB-containing PCB equipment at Nevada Power which is above as well as below existing EPA standards is defectively hazardous because bioaccumulation of TCDD-like PCBs from such equipment will contribute further to this already high body burden.

Dr. Peterson will rely on the general scientific literature on PCBs, PCDDs and PCDFs as well as on publications from his own laboratory research. He will also review recent EPA publications, relevant publications provided by other federal and state agencies, and symposia and book chapters dealing with halogenated aromatic hydrocarbon toxicity. At the request of the plaintiff's lawyers he will review learned treatises of other experts or any other documents related to the case which they will provide.

Dr. Peterson may also be called on to explain and define any scientific terms used by the defendants in documents gathered by Nevada Power during discovery, and presented to him.