

STORE & FORWARD REPORT

DATE/TIME
LOCAL TERMINAL ID.
LOCAL NAME
COMPANY LOGO

7-14-83 3:00PM
7023851655
BRADLEY AND MERRELL

No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
001	JOHN THORNDAL	7-14-83 2:32PM	2'39"	4/ 4	SF	COMPLETED 9600
003	B FEATHERSTONE	2:36PM	6'55"	4/ 4	EC SF	COMPLETED 4800
005	ARVIN MASKIN	2:51PM	1'49"	4/ 4	EC SF	COMPLETED 9600
002	BRUCE ALVERSON	2:57PM	1'22"	4/ 4	EC SF	COMPLETED 9600
004	STEVEN KUNEY	2:59PM	1'06"	4/ 4	EC SF	COMPLETED 14400

TOTAL 0:13'51" 20

DIAL GROUP

No.	DIRECTORY NUMBERS
006	001 002 003 004 005

NOTE:

No. : DIRECTORY NUMBER 48 : 4800BPS SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
PD : POLLED BY REMOTE SF : STORE & FORWARD RI : RELAY INITIATE RS : RELAY STATION
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I. Areas of Agreement for Stipulations

A. Preserving the right to object to specific questions, Westinghouse agrees as a general matter that it has waived privilege claims as to the subject matter of Plaintiff's Exhibit 1212, any discussions involving the decisions to prepare it, its preparation, discussions regarding the decision not to implement the program, and the decision not to implement the program, providing however, that Westinghouse reserves its privilege claim as to two documents that were appended to Exhibit 1212; and providing further that Westinghouse does not concede that documents lost their privileged status merely because they were reviewed by Mr. Bair. Generally, Westinghouse will have no objections in the following areas, subject to its right to object to specific questions:

1. conversations between Mr. Bair and Mr. Bickerstaff and Mr. Lawrence concerning Plaintiff's Exhibit 1212.

2. the purpose and meaning of Plaintiff's exhibit 1212);

3. documents, pending cases or issues referred to in plaintiff's exhibit 1212 subject to Westinghouse's privilege claim regarding appendices to Exhibit 1212 that are being submitted to the Court for resolution; provided, however, that Westinghouse reserves the right to claim privilege to the extent reserved in section I(A) above or elsewhere in this document.

4. whether participants received commendations or reprimands because of their involvement with the subject matter of Plaintiff Exhibit 1212;

B. Westinghouse will bring to the Bair/Bickerstaff depositions any written record of commendations or reprimands given to Westinghouse personnel regarding the program described in plaintiff's exhibit 1212.

C. Westinghouse will consider bringing portions from the personnel files of Bair, Bickerstaff, Lawrence, Pitts, and Pashke to their depositions if Nevada Power identifies narrow categories.

D. As a general proposition, Westinghouse does not anticipate any objections based on privilege during Mr. Pashke's deposition to the extent that the deposition relates to the mechanics of the 1986 collection of PCB documents in Pittsburgh and its relationship if any to Plaintiff's exhibit 1212. Westinghouse is attempting to locate Mr. Pashke and envisions making him available for a deposition which may have to take place after July 23.

E. Westinghouse intends to submit to the court for in camera review two documents that were originally attached Plaintiff's exhibit 1212. Westinghouse will provide a copy of the cover letter to Nevada Power and indicate in that letter that Nevada Power wishes to make a short presentation to the Court of the related privilege issues.

F. Westinghouse agrees to produce prior to the depositions next week prior depositions, affidavits, and hearing testimony of the upcoming deponents regarding the Plaintiff's Exhibit 1212 issue, plus the insurance litigation deposition of Wayne Bickerstaff; Westinghouse reserves for further discussion the potential production of similar materials for all persons on its witness list.

G. Nevada Power will be allowed to inquire into the existence of an index or inventory of the documents discussed in Plaintiff's Exhibit 1212.

H. Nevada Power should be allowed to inquire into post-1988 Westinghouse document retention policies insofar as they may have affected retention of documents in the Industrial Hygiene collection described in Plaintiff's exhibit 1212.

II. Issues to Be Discussed Further

A. Westinghouse and Nevada Power did not reach agreement as to which state's law governs objections and privileges at the Bair, Bickerstaff, Lawrence, and Pashke depositions, but the parties believe they will be able to agree on this topic prior to commencement of the depositions.

B. Need to resolve whether PMK will have personal knowledge.

III. Issues to be discussed with Judge Leavitt:

A. Whether to adopt the suggestion in Westinghouse's motion regarding proceeding with depositions first and then examining the need for inspection, or to allow Nevada Power's request to inspect documents and to conduct depositions on-site.

B. Whether an index of documents gathered in the 1986 company-wide sweep for PCB documents is privileged or otherwise should not be produced by Westinghouse.

C. Whether Nevada Power will be allowed to inquire into whether anyone has actually determined whether Industrial Hygiene documents inventoried as part of Mr. Bair's efforts are still in existence. Westinghouse queries whether this topic has been noticed for deposition.

D. The parties request authorization to stipulate to taking certain depositions relating to the alleged destruction evidence in the week following the close of the fact deposition period.

E. Whether Mr. Bair will be required to review and correct a typescript of his handwritten notes prior to his deposition and to attest to the veracity of the corrected version during his deposition.

F. Nevada Power intends to inquire at hearing into whether there are reports or investigations by Westinghouse into whether the Exhibit 1212 documents still exist, and if so, whether they are in fact privileged or subject to a showing of need.

BRADLEY & MERRELL
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(702) 385-4202

MESSAGE FROM XEROX 7024: (702) 385-1655

DATE: 7/14/93

TO: Konrad L. Calteaux, Esq.

FAX #: (212) 310-8516

PHONE #: (212) 310-8904

FROM: Paul Merrell

CLIENT/MATTER: Nevada Power v. Monsanto, et al.

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION: agreements re: stipulation

NUMBER OF PAGES (including cover page): Four (4)

MESSAGE:

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No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	2123108516	7-14-83 2:53PM	1'56"	4/ 4	EC	COMPLETED 9600

TOTAL 0:01'56" 4

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TO: Peggy A. Leen, Esq.

FAX #: (702) 366-0327

PHONE #: (702) 366-0622

FROM: Paul Merrell

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