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GAS EXPLOSION AT WASTE RECYCLING STATION — IMPROPERLY INSTALLED AND MAINTAINED PIPELINE WAS SOURCE OF GAS LEAK

SETTLEMENT:

Maridian Operating Co.; New York Waste & Energy, Inc.; Salvatore, Susan, Vincent, and Louis G.; Louis V.; Karen, Sondra, and Shana Promuto; and Vaux Promuto Finnemore v. Consolidated Edison of New York 35268/91 Date of Settlement 6/10/97 New York Supreme

Pltf. Atty:

Jonathan J. Wilkofsky and Mark L. Friedman of Wilkofsky, Friedman, Karel & Cummins, Manhattan

This case settled after 4 weeks of trial for $2,000,000. On 12/29/89, Con Edison workers were digging with a backhoe in front of one of their facilities at the Hellgate Station in the Bronx. The backhoe struck a steel plate that detonated leaking gas from a large facilities gas line, causing a fire and explosion. Pltf's property, a waste recycling station that included several buildings, heavy equipment, vehicles, and a railroad siding, was completely destroyed. Evidence indicated that the Con Ed crew did not have authority to use the backhoe in such a congested area. Testimony indicated that the pipeline, the largest in New York City, had not been properly installed or maintained and that it was the likely source of the gas that exploded within an adjacent manhole, causing the pipeline to explode, and resulting in flames one block wide and several hundred feet high. Pitt claimed that it took over 1 hour to shut the gas off and diminish the fire, and contended that Con Ed had the ability to shut the gas supply within minutes. Con Edison argued that it acted reasonably and professionally at all times.

Demonstrative evidence:

design plans and specifications for the pipeline; aerial photos; computer-generated reconstruction of the incident.

Jury note

There were three attorneys on the jury.

Pltf. Experts:

Howard Sabin, P.E., engineer, on corrosion and safety, Oceanside; Scott Patterson, P.E., engineer, Westfield, New Jersey; Frank Porco, structural damages, Bronx.