

Lawsuit over 2010 Morristown Library explosion ongoing

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The Joint Free Public Library of Morristown and Morris Township.(Photo: Peggy Wright/Staff photo)

MORRISTOWN – A lawsuit over the cause of an underground explosion is still proceeding nearly five years after the disaster led to almost \$5 million worth of damage to the Joint Free Public Library of Morristown and Morris Township.

Employees, jolted by premonitions of a crisis when lights started flickering, rushed out of the building just seconds before an explosion blew out windows and doors and upheaved concrete floors around 9 a.m. on May 3, 2010, at the structure located at the corner of Miller Road and South Street.

Originally built in 1917, with additions in 1929, 1987 and 2006, the building was closed for months for structural repairs. The Travelers Indemnity Co. of America, which provided insurance to the not-for-profit library, paid a total of \$4,770,622 on behalf of the library, according to court records.

To recoup the \$4.8 million payout, Travelers in 2012 sued Jersey Central Power & Light, a subsidiary of FirstEnergy Corp., as well as Century Electric Inc. and Current Electric Inc. The lawsuit, led by attorney Robert B. Nussbaum, later was amended by court order to list the Joint Free Public Library of Morristown and Morris Township, rather than Travelers Insurance, as the plaintiff.

The lawsuit contends that JCP&L was the culprit. Based upon legal papers filed in Superior Court, Morristown, lawyers for JCP&L are aggressively fighting the allegations of carelessness, recklessness and negligence. JCP&L in court papers has picked apart and disputed fine technical and scientific points and interpretations made about JCP&L's electrical underground network by Travelers.

JCP&L attorney Thomas C. Hart said he could not comment on the litigation. Morristown Administrator Michael F. Rogers said that communication between the town and JCP&L has vastly improved in the past few years and he is aware that JCP&L has invested millions of dollars into the infrastructure and routine maintenance of its underground network in town. Rogers said there has not been a mishap related to the underground network in several years.

Century Electric Inc. and Current Electric Inc. are named in the lawsuit because their electricians performed electrical renovations for the library at times prior to May 3, 2010.

Current Electric has defaulted -- meaning it never responded to the lawsuit. A lawyer for Century Electric has distanced that company from the explosion and appears to blame JCP&L for the incident in court papers. JCP&L, meanwhile, brought Public Service Electric & Gas into the case as a third-party defendant.

Judge Rosemary Ramsay, sitting in Morristown, last reviewed the case in December. Last August, Ramsay granted a motion by the library to extend the so-called discovery period, during which data and documents are exchanged between the parties. She signed an order that calls for expert depositions by all sides to be completed by this March 30. All parties must file any remaining major motions in the case this May.

Nussbaum, the library's lawyer, said the case will be filled with expert testimony and opinions on who's at fault if the case goes to trial. Among the people also deposed as possible trial witnesses was Morristown Deputy Fire Chief Jon Prachthausser, one of the first responders on the scene in 2010.

Though trial testimony could be complex, a court certification by another Traveler's attorney, Jeffrey W. Lorell, states the alleged explosion cause in layman's terms:

“On May 3, 2010, there was a horrific explosion at the library. Plaintiff’s investigation of the explosion suggests thus far that the explosion was caused by a continuous electrical arcing fault in JCP&L’s nearby underground power conduits which generated explosive gases that were forced into the library basement due to the absence of seals on the conduits leading from JCP&L’s manhole on Miller Road into the library electrical switch gear in the basement.”

“These explosive gases, it is believed, were ignited by the arcing in the JCP&L conduits and the explosion propagated into the library basement and then upward,” Lorell wrote.

JCP&L, parent company FirstEnergy Corp, and the electrical contractors Century Electric and Current Electric should have seen to the installation of necessary, required seals, the lawsuit states.

The lawsuit also maintains that a less serious explosion in the library in 1994 was likely caused by combustible gases from JCP&L’s Morristown underground network.

“On numerous occasions prior to May 3, 2010, the arcing faults, when occurring in the presence of groundwater or rain water in the Morristown Underground Network, generated combustible and/or explosive gases. Such combustible and/or explosive gases have caused numerous manhole fires and explosions,” the lawsuit said.

Sixteen months after the library episode, the state Board of Public Utilities in September 2011 ordered that JCP&L hire a so-called special reliability master to evaluate the utility’s design, operating, maintenance and performance standards as they pertained to the underground electric distribution system.

The BPU directive was a result of the accumulation of underground explosions over a period of several years. Just before the BPU order, heat discharged from a manhole in Morristown on Aug. 31, 2011, and injured a motorist waiting at a traffic light.

JCP&L, whose underground electric system serves about 1,125 customers in town, adhered to the recommendations for improvement by the special master, according to court documents.

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